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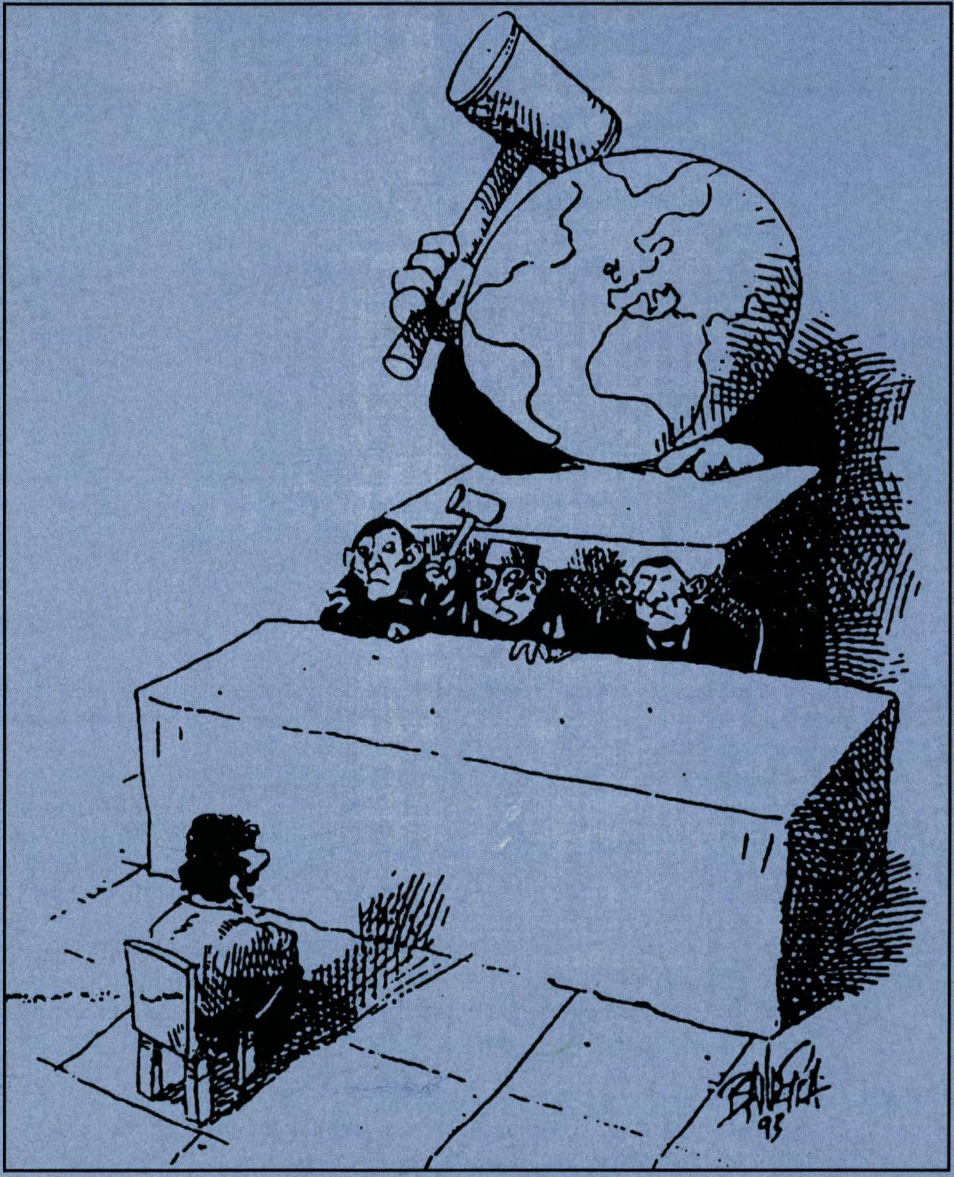
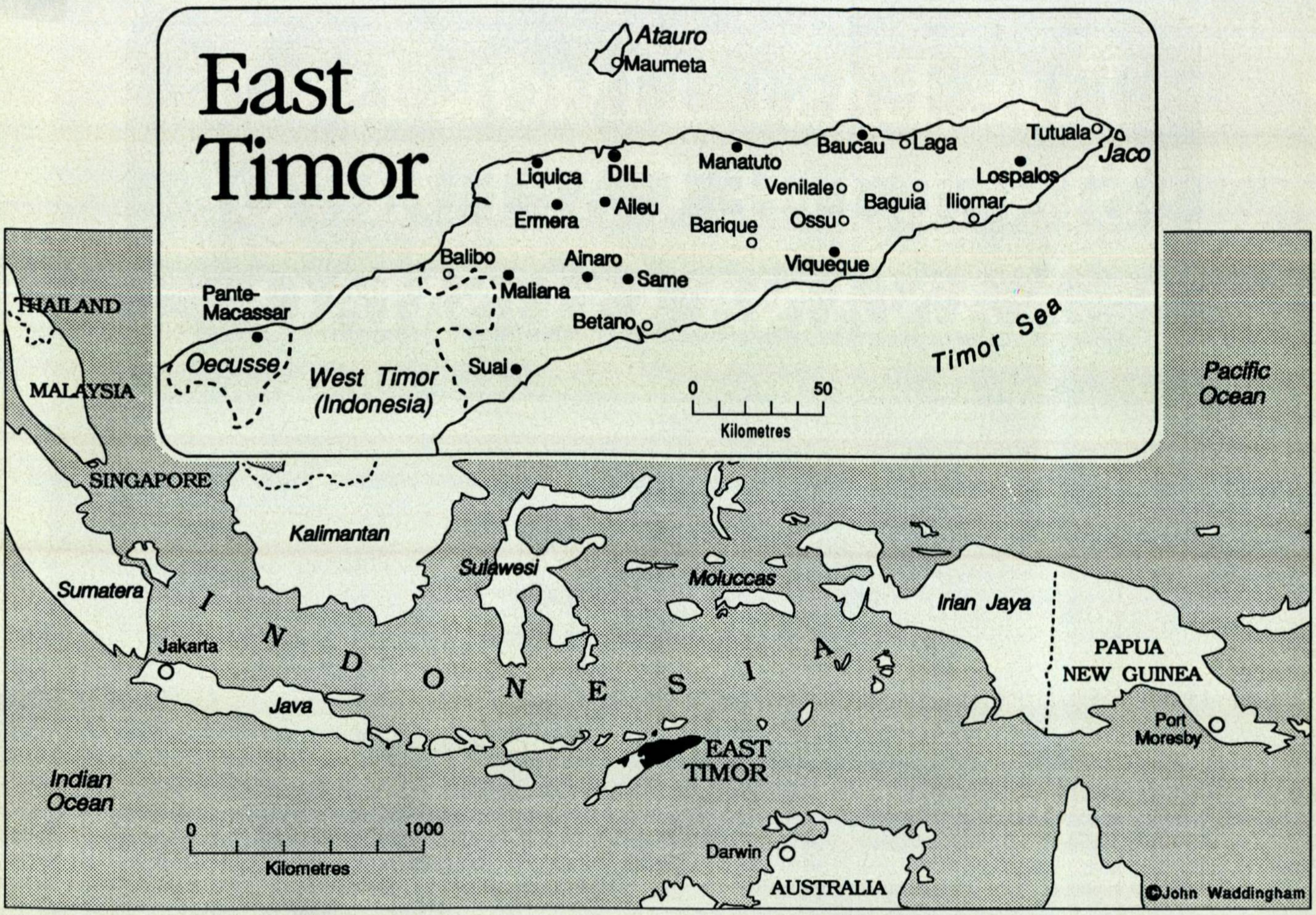
# THE EAST TIMOR ISSUE SINCE THE CAPTURE OF XANANA GUSMAO



**By Herb Feith**

East Timor Talks Campaign
December 1993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PAPUA NEW GUINEA
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Darwin
AUSTRALIA
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# Introduction

This report is the text of a submission to the Australian Parliament's human rights committee. Its content and recommendations therefore have a strong Australian orientation and are directed less to the government than the Parliament in the belief that the latter might play a more independent and long-term role on the Timor issue. Nevertheless, it is hoped the report will be read closely by government policy-makers, both in Australia and other countries.

The report has been prepared by Dr Herb Feith at the request of the East Timor Talks Campaign. Dr Feith, a political scientist at Monash University in Melbourne is one of Australia's most distinguished scholars of Indonesian affairs. He is a regular visitor to Indonesia and the author of *The Decline of Constitutional Democracy in Indonesia* (1962). His writings on East Timor include the co-authoring, with David Scott and Pat Walsh, of *East Timor: Towards a Just Peace in the 1990s* (1991), which presented the case for a new approach on the issue in the post Cold War period.

The East Timor Talks Campaign is an independent community based initiative established to promote a lasting settlement of the East Timor issue through UN sponsored dialogue involving all parties to the conflict. It is endorsed by a range of prominent Australian organisations and individuals.

The Campaign is seeking to extend its international network of support for a just peace in East Timor and welcomes enquiries. Its activities include lobbying of governments and the UN and the publication of a newsletter *The Missing Peace.*

The clerical assistance of Helen Moriarty, Emma Baulch and Colin Renwick in preparing this report is gratefully acknowledged.

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*Cover graphic:*
*Diario de Noticias,*
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# The East Timor Issue since the Capture of Xanana Gusmao

This submission offers an update on major developments since 20 November 1992, when Xanana Gusmao, the principal leader of the Timorese resistance, was arrested. It thus covers the period since the publication of the Australian Parliament's Joint Committee Review of Australia's Efforts to Promote and Protect Human Rights of December 1992.

That Review includes a substantial and well-balanced seven-page evaluation of the human rights situation in East Timor. It draws attention to the view of "almost all of the submissions" made to it that "Timor would remain an impediment to good relations (with Indonesia) until some settlement satisfactory to the Timorese people had been achieved".

The search for "some settlement satisfactory to the Timorese people" sets the direction of this submission.

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EAST TIMOR:
IT'S TIME TO TALK

# *1* The arrest and trial of Xanana Gusmao

*'Xanana's defence speech was defiant and fully argued. Consistent with his pre-arrest position, he called for talks under UN auspices and for the holding of a referendum.'*

Xanana Gusmao, born in 1946, emerged as the principal leader of the East Timorese guerrilla resistance in 1980-81. The outside world came to know something of him when he negotiated a ceasefire agreement in March 1983, and especially after the Sydney lawyer-journalist Robert Domm interviewed him in October 1990. A key message from Xanana which Domm conveyed was that the resistance was seeking to negotiate with Indonesia under UN auspices and without preconditions.

Xanana had resigned from Fretilin in 1987 and formed the National Council of Maubere Resistance (CNRM) in the following year. In the following years he emerged as the central unifying figure of East Timorese nationalism. He was the principal inspirational figure for the young anti-integrationists who demonstrated repeatedly in Dili in 1989-91. His name was on the banners of some of the mourner-demonstrators who were shot dead in the Dili massacre of 12 November 1991.

Xanana's capture on 20 November led to appeals from many governments that he should not be maltreated and that the International Red Cross should have access to him. The Portuguese government asked Indonesia to release him immediately and bring him into negotiations on the future of East Timor.

As the failure of repeated Indonesian attempts to capture or kill Xanana Gusmao had been a source of embarrassment to the Indonesian armed forces for many years, so his capture was a major victory. There was jubilation in the Indonesian media, dampened only slightly when Defence Minister Benny Moerdani told the media not to exaggerate his importance.

Sceptical observers puzzled over the fact that Xanana had spent a good deal of time in Dili in the preceding months and that his places of hiding were not a closely guarded secret. On the Timorese side some argued that he had been trying to leave East Timor to do political work overseas, others that he had courted arrest to be able to play political roles from captivity (as President Soekarno did after allowing himself to be captured by the Dutch in December 1948). On the Indonesian side the common suggestion was that the armed forces could have caught him much earlier but had chosen not to. One version of that was that the capture was timed for maximum advantage in relation to the March 1993 meeting of the People's Consulative Assembly.

On 1 December Xanana appeared on Indonesian television, describing himself as an Indonesian citizen and appealing to his followers to lay down their arms. The interview was rescreened many times in East Timor.

Bishop Belo, the Catholic bishop of Dili, commented "I don't know for certain what happened, but for the last 17 years if any prisoner spoke in the way Xanana has spoken it happened as a result of torture." (The Universe 12.12.92)

## Trial

Later in December it was decided that Xanana Gusmao should be tried in a civilian court in Dili. The charges included conspiring to commit rebellion to bring about the secession of a part of Indonesia.

Whereas Xanana had asked to be defended by lawyers from the Legal Aid Institute (LBH), the lawyer assigned to defend him was Sudjono, a man with close connections to the police. The trial lasted from 1 February to 21 May, 1993.

Foreigners seeking to attend the trial waged a complex series of battles with rival Indonesian authorities. Restrictions on access were imposed by military officials, protested against, usually to the Department of Foreign Affairs, often withdrawn or relaxed, then often reimposed.

Thanks to the efforts of the Indonesian Department of Foreign Affairs, a range of foreign journalists, including Portuguese, were allowed to attend the trial for periods of about a week, that is usually one or two sessions. The ABC's Ian MacIntosh was able to make repeated short visits and was at one point allowed to film the proceedings. US, British and Japanese diplomats also attended some parts of the trial, as did the Australians Tony Simpson and David Lucas representing the International Commission of Jurists. An Asia Watch representative, who was in East Timor for a week of the trial, wrote a comprehensive report on it.[1]

Another foreigner who attended the trial briefly was Amos Wako, Kenya's Attorney General, who had visited East Timor in 1992 as a Special Representative of UN Secretary-General Boutros-Ghali to investigate the Dili massacre. On this second visit Wako brought with him the Eritrean Tamrat Samuel, a staff member of the UN Secretariat, who was able to observe the trial somewhat longer than Wako.

Wako himself had private meetings with Xanana and various other imprisoned East Timorese as well as with Bishop Belo.

At the inception of the trial Xanana Gusmao assumed the capitulatory posture of his television interview by declaring himself an Indonesian citizen. But he also indicated to foreigners present that they should stay to the end of the trial, implying that he might strike a different note in his defence speech.

Xanana's stance at the trial puzzled foreign observers because his dignified, self-possessed and resourceful demeanor seemed at odds with many of his responses. On 5 May he shocked the court by declaring that he was not an Indonesian citizen and was no longer willing to be defended by Sudjono.

After complex tussles with the court authorities Xanana succeeded in getting permission to deliver his defence speech on 17 May. But he had got no further than page 3 of his 28-page text when the judge stopped him on the grounds that his defence was irrelevant. That was apparently unprecedented in the history of Indonesia's political trials.

A full text of Xanana's speech was then released overseas. It was as defiant as it was systematic and fully argued. Consistent with his pre-arrest position, Xanana called for talks under UN auspices and for the holding of a referendum. Extracts of the defence speech are appended to this submission. (p. 19)

Three days later Xanana was sentenced to life imprisonment. In August President Soeharto reduced this to 20 years. In the same month Xanana was stripped of most of his personal belongings and transferred to a jail in Semarang in Central Java. There he went on a two-week hunger strike which led to his transfer to the Cipinang jail in Jakarta, apparently despite the opposition of sections of the military.

On 25 May the Sydney Morning Herald carried an editorial on Xanana Gusmao titled *East Timor's Nelson Mandela*. On 9 July Xanana's Melbourne-domiciled son received the Portuguese government's Order of Liberty on his father's behalf at a ceremony in Canberra.

*'A key dimension of the government's policy has been to prevent demonstrations of opposition.'*

# 2 Developments within East Timor

Government policy in East Timor since November 1992 has been a continuation of the hard-line policy pursued in the year after the Dili massacre of 12 November 1991. Its ethos is symbolised by the military commander appointed in January 1992, Brigadier General (now Major General) Theo Syafei, who said he would be tougher than his predecessor and has lived up to that. One other person who has been important in setting its direction is the new governor installed in September 1992, Abilio Osorio Soares. He too represents a distinctly harder line against protest and dissent than his predecessor.

If General Syafei is a professional officer of hard-line inclinations, Governor Abilio Soares is a man with a partisan political agenda. He comes from a family associated with the pro-Indonesian party Apodeti, and one of his brothers, then a principal leader of Apodeti, was killed by Fretilin supporters in 1975. It is commonly believed that he owes his position to his long-standing association with President Soeharto's controversial son-in-law Colonel Prabowo, a man widely feared in East Timor after his two terms of duty there.

Commander Syafei followed up his success in capturing Xanana Gusmao by arresting his successor Mau Huno in April 1993.

Indonesian army claims that large numbers of guerrilla fighters surrendered after Xanana's capture appear to be unfounded. But there has been a marked decline in guerrilla activity since Mau Huno's arrest.

That arrest led to a reorganisation of the leadership of the National Council of Maubere Resistance (CNRM), the body Xanana had created in 1988 to co-ordinate the resistance. Jose Ramos-Horta, the CNRM's Special Representative overseas, announced in July that this body would henceforth be under a three-headed leadership: Nino Konis Santana, head of the armed resistance front, an unnamed person as head of the clandestine front and himself as head of the diplomatic front. Konis Santana has since made statements on Portuguese radio.

Intensified political indoctrination has been a general feature of the governance of East Timor in the 1992-93 period. One particularly gruesome form which this took for some months after Xanana's arrest was the holding of "blood oath ceremonies" (*upacara sumpah darah*) in which Timorese were required to drink human or animal blood mixed with local alcoholic beverages, while swearing allegiance to the Indonesian Republic and the Pancasila. Similar ceremonies have reportedly been organised by the military in Aceh.

For Carlos Belo, the Bishop of Dili, the period since the appointment of Theo Syafei and Abilio Soares has been one of heightened isolation from others in the Dili elite. As head of a church to which about 80% of East Timorese belong, and about 90% of indigenous East Timorese, he remains a central figure in the public life of the territory. But his relations with the military authorities and the governor's office are strained, more so than in the years before the Dili massacre.

Governor Abilio Soares has tried hard to enhance his appeal to Timorese Catholics, especially by building churches and religious statues. His aim is to see that there is a Catholic church in every sub-district. He is also planning to erect the world's third tallest statue of Jesus. It will combine Garuda and Pancasila symbolism with the Ten Commandments and will have 27 steps, for Indonesia's 27 provinces. It is due to be inaugurated on 17 July 1994, the anniversary of East Timor's formal integration into Indonesia!

Like his predecessor, Mario Carrascalao, Governor Abilio Soares has tried to attract private investment to East Timor, especially Indonesian and Australian. Like Carrascalao, he has had little success.

## Dissent

One key dimension of the government's policy has been to prevent demonstrations of opposition. In April 1992 General Syafei was asked by members of an international Protestant delegation how he would respond if there were further demonstrations by groups opposed to East Timor's integration into Indonesia. He replied that there would be no demonstrations.[2] However the determination and fearlessness of the Timorese nationalists seems to have been greater than Syafei reckoned with.

One instance of this fearlessness was during the Xanana trial, when Saturnino da Costa Belo, a prosecution witness, called out "Viva Timor Leste!" (Long live East Timor) as he entered the court. He was immediately removed on grounds of insanity. After that various people previously scheduled to give testimony were not called.

> *'The military presence remains large and intimidatingly conspicuous.'*

On 22 July, when the Papal Nuncio to Jakarta was celebrating Mass in the Dili cathedral, a small group of young Timorese called out pro-independence slogans outside. 26 people were arrested.

In September six aides to members of the US Congress paid a one-day visit to East Timor. A few days later three members of the Swedish Parliament spent three days there, accompanied by a Swedish TV journalist.

This time the authorities sought to forestall demonstrations by a policy of preventive arrests. Amnesty International reported on 6 September that 53 Timorese had been detained. In the words of General Syafei, "some people formerly involved in demonstrations were rounded up to be given guidance by the state apparatus". Another military official said they were students attending a course of "practical training in manual skills".

These arrests notwithstanding, small groups of young East Timorese attempted to demonstrate before the US Congressional aides on 5 September and again in front of the Swedish parliamentarians two days later. They were taken away and, as Bishop Belo confirmed, beaten and tortured.

The government's preventive detention measures prompted the disclosure of a US embassy document of February 1992 on earlier instances of preventive detention. This document, released in Washington under the Freedom of Information Act, described how more than a hundred young Timorese had been rounded up for "training" outside Dili in that month, prior to the first visit there of the UN Secretary-General's representative, Amos Wako. The document also stated that the army had used "similar measures to head off trouble before the 1989 arrival of Pope John Paul".

Journalists continue to find it difficult to enter the territory. In September 1993 Lindsay Murdoch of the Melbourne *Age* was ordered out of Indonesia when it became known that he planned to visit East Timor. The Australian film maker David Bradbury, in East Timor with his six-year-old son in September, was promptly expelled when he was found to be using a video camera.

In the same month the Sydney lawyer Rodney Lewis, who had represented the International Commission of Jurists at trials of East Timorese oppositionists in 1992, was informed by the Indonesian embassy in Canberra that he would not be permitted to enter Indonesia.

Similarly there have been long-running battles over the right of the International Committee of the Red Cross to conduct prison visits in the territory. In April General Syafei attempted to close down the ICRC office there. The ICRC President succeeded in keeping it open, but his representative there has had great difficulty in getting access to political prisoners in East Timor.

One persistent theme in reports from East Timor is that the military presence there remains large and intimidatingly conspicuous. In the words of Philip Shenon of the New York Times, "the eyes and ears of the military are everywhere".[3] General Syafei has repeatedly claimed that the number of troops has been reduced and that there has been an important shift from combat units to "territorial" ones. In March 1993 he told Asia Watch that total troop strength would be down to six battalions, all territorial, by September, down from twelve battalions in 1991 of which six were combat units. In early November an army spokesperson said there were now only eight battalions in the territory, seven of them territorial.

But territorial battalions are not without their combat units. And, whereas territorial battalions are often said to be engaged in "hearts and minds" operations, helping villagers to build roads and bridges and so on, their principal activities in East Timor seem to be in surveillance and intimidation.

Could there be another massacre like that of 12 November 1991?

The question is an important one for Australians to consider. A further massacre would have dramatic effects on our relations with Indonesia, even if the number killed were 25-30 rather than the 50-200 of November 1991.

The response of Indonesia's top government and military authorities to the shooting of four anti-dam protesters in Madura in September 1993 has been encouraging. Military and civilian officials held responsible for these shootings were punished promptly, in a way that suggests that important lessons had been learned from the Dili massacre.

But it would be a mistake to assume that the possibility of another massacre in East Timor can be ruled out, because East Timor's overall socio-political situation is vastly more explosive than Madura's. The words of American political scientist R. William Liddle are apposite: "The Indonesian army is trapped — its leaders retain their commitment to the integration of East Timor, but their carrot-and-stick policy of mixing development with repression has not succeeded after 16 years. Now they face a strong and courageous commitment to independence among the very Timorese youth who are supposed to have been won over by development. The grim prospect is for a rising spiral of violence that will cost more lives and do more damage to the army's reputation."[4]

*'President Clinton gave President Suharto a letter from 43 US Senators urging him to facilitate serious negotiations … in pursuit of the self-determination of the East Timorese people.'*

# 3 Persistent international pressure on Indonesia over East Timor

One major event focusing attention on Indonesia's policies in East Timor was the February-March 1993 meeting of the UN Commission on Human Rights in Geneva. A year earlier, at the preceding UN-CHR meeting, the Dili massacre had been discussed at length, but Indonesia had evaded outright censure. The outcome had been a Consensus Statement by the chairperson, deploring the massacre and calling on Indonesia to "improve the human rights situation in East Timor" and "facilitate access to East Timor for human rights organisations."

The 1993 meeting was more critical of Indonesia. A resolution adopted by 23 votes to 12 (with 15 abstentions) criticised many aspects of the Indonesian government's response to the Dili massacre, expressed "deep concern" at reports of continuing human rights abuses in East Timor, and asked Jakarta to invite four special rapporteurs and working groups to visit the territory, specialists in torture, extra-judicial execution, arbitrary detention and disappearances. The resolution is attached to this submission as Appendix 2. (p. 24)

This outcome stood in marked contrast to that of the Commission's previous session a year earlier. Some observers described the Indonesian defeat as a response to the uncompromising style of the Indonesians who managed the Geneva presentation of their case. Importantly, the vote showed that the new Clinton administration was giving a higher priority to human rights issues than the Bush administration had.

Interestingly, Australia, which had so often lobbied for Indonesia on East Timor issues in previous years, voted in support of the resolution. Japan, which had voted against most earlier resolutions critical of Indonesia, abstained.

East Timor drew further international media attention when seven young East Timorese sought asylum at the Swedish and Finnish embassies in Jakarta on 23 June, at the time of the Vienna World Conference on Human Rights. Six of these were young men who had taken part in the demonstration which led to the Dili massacre, and who believed that they were still being hunted. Three of them bore injuries they had had inflicted on them on the day of the massacre.[5]

The four who went to the Finnish embassy were talked into leaving its premises on the same day. They agreed, after obtaining various assurances, to move into the house of the East Timorese parliamentarian and former Governor, Lopes da Cruz, who had recently been appointed Roving Ambassador for East Timor Affairs. The three who went to the Swedish embassy succeeded in remaining there for nine days, after which they agreed to move to the house of Haji Princen of the Indonesian Institute for the Defence of Human Rights.

## Clinton Administration

In early July 1993 President Soeharto visited Tokyo briefly on the eve of the G7 summit meeting. Soeharto had asked to address one of the sessions of the G7 meeting in his role as Chairman of the Non-Aligned Movement. When this was declined he agreed to visit Japan to convey the Movement's concerns to the G7 meeting's chairman Prime Minister Miyazawa.

While in Tokyo President Soeharto also met President Clinton and East Timor was an important part of their 40-minute discussion. President Clinton passed onto his Indonesian counterpart a letter from 43 US senators urging him to facilitate "serious negotiations … in pursuit of the self-determination of the East Timorese people". The text of this letter is Appendix 3. On his way back to Jakarta Soeharto, speaking to Indonesia's private television channel RCTI, expressed anger about the East Timor part of the discussion.

Another dimension of Indonesia's relations with the US had come under pressure in June with an announcement by the US Trade Representative, Mickey Kantor, that Indonesian labor practices would be reviewed by his office, with a view to deciding whether Indonesia should continue to enjoy trade benefits under the Generalised System of Preferences (GSP) program. Indonesia was given till February 1994 to demonstrate progress in upholding labor rights, especially freedom of association. The threatened penalty for failing to satisfy the US in this respect was an estimated US$800 million p.a. in exports granted access to the American market.

*'Japanese public interest in East Timor has risen markedly since 1986.'*

On 23 July the US State Department announced that it would not permit Jordan to sell four US-made F5 jet fighters to Indonesia, because of "the combination of a number of sensitive issues...including human rights concerns in Indonesia". This was reportedly a response to a letter from two Senators active on the East Timor issue. One of them was Senate Foreign Relations Committee chairman, Claiborne Pell, who had been refused permission to enter East Timor when he had visited Indonesia in 1992.

On 8 September the Foreign Relations Committee of the US Congress adopted an amendment to the Foreign Aid Authorisation Bill which effectively threatened Indonesia's ability to acquire American weapons. This Feingold amendment, adopted unanimously, called for the President to consider human rights criteria in consultation with Congress before approving any arms sales or transfers. It specifically asked him to consider whether Indonesia was bringing to justice "all military personnel who were responsible for ordering, authorising or initiating the use of lethal force against demonstrators in East Timor in November 1991".

Several weeks later it became clear that the Foreign Aid Authorisation Bill would not be passed, which has been usual in recent years. So, to Jakarta's relief, the Feingold amendment did not become law. But Congressional pressure was maintained, with the signature by 37 Senators and 101 members of the House of Representatives of letters asking the President to take up the East Timor issue with President Soeharto at the APEC meeting in Seattle. The Senators' letter is appended.

## Japan

What about pressure from Japan? If the US is one country whose position on East Timor is crucial for Indonesia, Japan, which provides by far the largest part of its bilateral aid, is another.

Japanese public interest in East Timor has risen markedly since 1986. As a result human rights violations in East Timor seem now to be about as salient in Japan as such violations in Burma and Tibet. The Free East Timor Japan Coalition, now consisting of ten solidarity groups, has had Timorese conducting speaking tours to many cities in Japan since 1986. Since June 1992 groups like this have been able to use a new Official Development Assistance Charter as a rallying point for human rights diplomacy, as this Charter specifies a recipient state's human rights performance as a key determinant of its eligibility to receive Japanese aid.

In December 1991 the Diet Members Forum on East Timor persuaded 262 Diet members to sign a petition calling for a review of Japanese aid to Indonesia. In September 1992 143 Diet members, in a joint action with members of the US Congress, petitioned the UN Secretary-General to be more active on East Timor.

Japanese government responses to these pressures continue to be cautious, but they have been growing stronger. When Prime Minister Miyazawa visited Indonesia in January 1993 he raised the East Timor issue with President Soeharto, and the fact that he had done so was announced by the Japanese embassy in Jakarta after the meeting. Japanese embassy staff visit East Timor annually. Moreover the Japanese government protested when Indonesia sought to prevent the participation of Japanese NGOs active on East Timor in the Asia-Pacific Human Rights Conference held in Bangkok in April 1993.[6]

## Portugal

In Portugal public feeling on East Timor has been very strong in recent years. The Dili massacre led to demonstrations all over the country and to 12 November being declared a national day of mourning. On 12 November 1993 coverage of East Timor issues in Lisbon's leading daily *O Publico* ran to seven pages. Support for East Timor's self-determination is expressed by parties across the wide right-left spectrum.

Portuguese public perceptions of East Timor have important parallels with public perceptions in Australia. There as here, they are affected by the presence of a sizeable East Timorese community. There as here there is a widespread belief that terrible things have been done to the East Timorese and that they continue to be oppressed. And there are similar feelings of guilt about the past. Just as there are many Australians who believe that East Timor could have been spared its post-1975 tribulations if the Whitlam government had acted differently in 1975, so there are many Portuguese who believe that those tribulations could have been avoided if Portugal had not been preoccupied by the turmoil and chaos of its years of revolution.

The Portuguese government, supporting self-determination for East Timor, has pushed the issue strongly within the European Community. It has persisted since mid-1992 in maintaining a veto over an EC-ASEAN economic co-operation agreement. It launched formal protests when Germany agreed to sell a large part of the East German naval fleet to Indonesia and when the UK announced a decision to sell it Hawk fighters.

President Mario Soares, a former Prime Minister, is particularly active on East Timor issues, partly because his constitutional position gives him a special responsibility for the territory (as also for Macao). He has raised the East Timor issue with heads of state and government on his recent trips to Japan and the UK.

The Papacy seems to have become more active on the issue in the last year. On 21 April, when the Indonesian and Portuguese Foreign Ministers were meeting in Rome under the chairmanship of the UN Secretary-General, the Pope spoke to each of the foreign ministers about East Timor and his Secretary of State received the Portuguese Foreign Minister. The Pope also spoke to an audience of Timorese refugees attending his general audience, referring to the need for a "frank and courageous dialogue" concerning the well-being of the people of East Timor "in respect for their rights and their cultural and religious traditions".

Third World interest in East Timor remained at roughly the same low level as in the previous year. The support of governments in the former Portuguese of Africa has continued to be strong. All of them voted to condemn Indonesia at the UN Commission on Human Rights in March, as did Barbados, Brazil, Chile, Costa Rica, Mauritius and Zambia. Asian NGO interest in the Timor issue seemed to rise markedly at the time of the Asian-Pacific Regional Conference on Human Rights in Bangkok in April; and there were several editorials in the Bangkok press at that time, calling attention to the denial of human rights in East Timor. In November Jose Ramos Horta called in Bangkok for a "concerted regional effort" to resolve the conflict in East Timor.[7] However the overall level of Third World interest in the Timor issue has remained low.

*'International pressure has remained at a high level. If the Indonesian government hoped the passing of time would lead to a slackening of overseas criticism, that hope has not been fulfilled.'*

## Australia

Australia's stance on East Timor has been somewhat contradictory in the last year. Our decision to vote in favour of the anti-Indonesian resolution at the February-March meeting of the UN Commission on Human Rights suggested that we might be following the Clinton administration's lead on Timor policy. But in recent months that disposition seems to have been eclipsed by the government's strategies for Asian Pacific Economic Co-operation (APEC), specifically by the importance Prime Minister Keating has attached to securing active Indonesian co-operation for his design of how APEC should work.

When the Prime Minister was in Washington in September he urged President Clinton to be more "balanced" in his human rights posture towards China and Indonesia. His remarks were received enthusiastically in Jakarta, where Research and Technology Minister Habibie described them as "music in our ears", with Foreign Minister Alatas praising the Prime Minister's "moral fibre".

By contrast Mr Keating's remarks were condemned in much of the Australian media. One sharply critical response, by a group of 43 Australian media celebrities, authors, bishops, professors and others, is appended to this submission. The populist version of the criticism came in National Party Senator Julian McGauran's address to demonstrators on the anniversary of the Dili massacre: "hard hearts and greasy hands".

Prime Minister Keating responded crossly to pro-East Timorese demonstrators when he visited Ireland later in September, saying that East Timor's sovereignty had been an issue in the 1970s but was that no longer. He also dismissed the position of Portugal on the issue, declaring that the Portuguese had been the world's worst colonial rulers.

On the other hand Mr Keating seems to have steered more of a middle path on the Timor issue when visiting Jakarta briefly in October. He again distinguished the Australian position on human rights issues from the more confrontative American one. But he reportedly referred to human rights when he said that Washington would expect something in return for being subjected to the disciplines of a multilateral structure like APEC.

Australians continue to await the outcome of the World Court's hearing of Portugal's challenge to Australia's signature of the Timor Gap Treaty with Indonesia of 1989. Meanwhile a case against that signature was brought before the High Court of Australia in June 1993. Proceedings against this case are to begin in August 1994.

## Public concern

Overall, international pressure on Indonesia has remained at a high level in the second year after the Dili massacre. If Indonesian government leaders hoped that the passing of time would lead to a slackening of overseas criticism of their country's role in East Timor, that hope has not been fulfilled. It seems unlikely that Jakarta will soon be able to present East Timor as just one in the world's long list of ethnic trouble spots.

This is partly because East Timor has continued to attract new overseas partisans. It attracted one group of new sympathisers and active supporters after the opening up of the territory in 1989, which made it possible for more outsiders to visit it. It attracted a second such group after the Dili massacre.

The East Timor cause has of course been drawing people into active sympathy for a long time. It has attracted intellectuals of world standing like Noam Chomsky and Benedict Anderson. And it has drawn in activists of extraordinary dedication like Chris Cole, the British man who slipped into the British Aerospace factory in Stevenage at 4 a.m. on 6 January 1993 and used household hammers to damage the nose cones of military planes of various kinds, Hawks, Tornadoes and Eurofighter 2000s. Cole's Statement of Conscience left at the site included the words "for all the infants who are threatened by BAe weapons, from Northern Ireland to East Timor". Another note stated that "British Aerospace is Europe's largest weapons manufacturer. It is a symbol of war as acceptable; of war as a normal, legitimate, respectable business". When Cole's case came up in court in October he was sentenced to eight months in prison and, as he had served longer than that, allowed to go free. BAe was granted no award for damages, presumably a sign that the judge respected Cole's integrity.

In the 1980s the East Timor network became more diversified, with the formation of a strong informal grouping of Catholics in various countries and the establishment of two formally organized international organisations, Parliamentarians for East Timor and the International Platform of Jurists for East Timor. Moreover the University of Oporto in Portugal initiated what became a series of annual conferences on East Timor. In recent years East Timor support groups have also been formed in new countries.

In addition the message of East Timor has come to be conveyed in literary and dramatic as well as political and journalistic forms. One landmark here was the publication of the Anglo-Hongkong writer Timothy Mo's key novel, *The Redundancy of Courage* (Chatto and Windus, London, 1991). Another was the Australian writer Michele Turner's *Telling. East Timor: Personal Testimonies, 1942–1992* (University of New South Wales Press, Sydney, 1992), which links the suffering of the East Timorese since 1975 with their tribulations in the Japanese occupation period, and especially in 1942–43, when Australian soldiers engaged in anti-Japanese guerrilla operations with Timorese support. Michele Turner's book became the basis of the dramatic dance and song performance *Matebian, Lia Lian* (Voices of Souls) which ran in Melbourne for three weeks in May 1993.

The role of East Timorese in the international network has been growing rapidly in the last few years. This reflects the rise of a new generation of leaders from the 18-35 year age group within the expatriate communities in Australia and Portugal, a group for whom Xanana Gusmao has special appeal. It is also a result of the escape overseas of people previously prominent in underground networks in East Timor and in Java. One important member of this latter group is Constancio Pinto, a principal leader of the Clandestine Front within East Timor in 1989–1991, who emerged as a political activist in the US in early 1993.

# 4 Indonesian efforts to counter the overseas critics

*The Reconciliation Talks proposal was condemned by Timorese exile leaders Jose Ramos Horta and Joao Carrascalao and failed to gain the endorsement of ex-governor Mario Carrascalao and Bishop Belo.*

In the aftermath of the defeat the Indonesian government sustained at the February-March 1993 meeting of the UN Commission on Human Rights, it put new effort into neutralising the activities of overseas critics of its role in East Timor.

At the Asian-Pacific Human Rights Conference held in Bangkok in April, and especially at the Vienna World Conference on Human Rights in June, Indonesian spokespeople presented a newly comprehensive case against what were described as Western conceptions of human rights, and especially against proposals that development assistance should be linked to the recipient's human rights record. And there was a semblance of a rabbit being pulled out of a hat when a former Fretilin commander now living in Holland, Paulino Gama (formerly Mauk Muruk), presented a case for East Timor's integration into Indonesia.

When Indonesia celebrated its Independence Day on 17 August the guests at the Jakarta ceremonies included three fairly prominent Portuguese business people representing a newly formed Portuguese-Indonesian Friendship Association. They also included a large delegation of traditional chiefs from East Timor (many of whom had reportedly had to be pressured hard).

In the same month Governor Abilio Soares led a delegation to the Vatican of a large group of Timorese Catholic lay people. The Pope reportedly met them for three minutes, speaking Portuguese to them.

Lopes da Cruz, a UDT leader in 1974-75 and later Governor of East Timor, who has long been a member of the Indonesian Parliament, was appointed Roving Ambassador for East Timor Affairs in April. In the following months he negotiated with the Lisbon-domiciled Abilio Araujo, the head of Fretilin's External Delegation. Abilio Araujo, a long-time Marxist and long-time factional adversary of Jose Ramos Horta, had criticised Xanana on several occasions in previous years. He now said he favoured Reconciliation Talks with Timorese working with the Indonesian government.

On 22 July Lopes da Cruz announced that such Reconciliation Talks would be held in August or September in either Belgium or Switzerland, that they would be "informal and heart to heart". He said that they had been endorsed by various Indonesian state agencies including the State Secretariat and the Foreign Affairs Department, and that "there would be no discussion of the status of East Timor". No document would be issued after them. It was later said that they would take place on 23 September.

On 9 August Abilio Araujo's fellow members of the Fretilin External Delegation suspended him from this body. The Reconciliation Talks proposal was also condemned by other prominent figures in the Timorese exile community in Portugal and Australia, notably Jose Ramos Horta, overseas head of the CNRM and also Joao Carrascalao of UDT in Sydney. It failed to gain the endorsement of ex-governor Mario Carrascalao in Jakarta. Most crucially, Bishop Belo said he thought there was no point in negotiations if they did not include "Ramos Horta and his colleagues".[8] The talks were not held on 23 September and seem to have been postponed indefinitely.

*The overall strength of East Timor's international solidarity network has not been weakened since Xanana's capture nor has the power of East Timorese nationalism itself.*

Indonesia has clearly made some gains in the overseas side of the battle for "hearts and minds" in the year since Xanana Gusmao was captured. It has gained the active adherence of the Portuguese business people who founded the Portuguese-Indonesian Friendship Association. It has drawn Paulino Gama (who as Mauk Muruk was a principal guerrilla leader under Xanana in 1983) into a prominent role antagonistic to the Resistance. And it has drawn the Portugal-domiciled Fretilin leader Abilio Araujo into a position of being willing to negotiate on terms highly favourable to itself.

Moreover Indonesia's diplomatic position has presumably been strengthened by the liberalisation of several aspects of its domestic politics since May 1993. In that month the government initiated a rapprochement with the Petition of 50 group, an important group of long-time dissidents, including former generals, former party leaders, and prominent religious and youth leaders. Since then President Soeharto himself has talked of democratisation and openness, and non-governmental organisations have operated in a climate of somewhat greater freedom, especially since the swift punishment of military and civilian officials held responsible for the shooting of anti-dam protesters in Madura in September.

But the overall strength of East Timor's international solidarity network has not been weakened in the year since Xanana's capture, nor has the power of East Timorese nationalism itself.

# 5 East Timor in Indonesian perceptions

*'East Timor coverage by the Indonesian media has been markedly greater since the Dili massacre but the mainstream picture of what is going on there is substantially the same as in earlier years.'*

East Timor coverage in the Indonesian media has been markedly greater since the Dili massacre than before it. Newspaper readers, radio listeners and television viewers are now much more aware than they were before 1991 that things are happening there which attract international interest.

But the mainstream media picture of what is going on in East Timor is substantially the same as in earlier years. This is partly because of tight censorship. Censorship of news and views on Timor continues to be tighter than on any other area, with the partial exception of the wealth of the President's family.

Readers, listeners and viewers are told that East Timor has developed rapidly, thanks to the enviably generous budgets the territory has had since becoming Indonesia's 27th province in 1976. The message is that dramatic improvements in education, health and infrastructure mean that 400 years of Portuguese neglect are being overcome.

In this picture most East Timorese are well satisfied with the territory's integration into Indonesia. The media acknowledge that dissatisfaction exists, especially among high school graduates, reflecting discrepancies between educational output and employment opportunities. But they maintain that most of the dissatisfied people are sensible enough to realise that Indonesian authority is irreversible — all except a tiny minority of foreign-influenced troublemakers.

However Indonesian media attention to human rights issues has grown markedly in recent years, especially since Indonesia began to prepare for the UN World Conference on Human Rights held in Vienna in June-July.

These preparations generated persistent debate between two versions of human rights. The government for its part elaborated its view that human rights need to be understood in relation to the responsibilities which individuals have to their communities and the cultural traditions in which they live. Its representatives argued forcefully, and now with a new sophistication, that political and civil rights need to be balanced against economic and social rights, and especially the right to development, and that the pressure of outside states to impose human rights conditions on aid must be resisted.

But the Indonesian NGOs concerned with human rights, groups like the long established Legal Aid Institute (LBH) and a range of smaller and newer organisations, have also been able to devise increasingly sophisticated forms of argument.

That was evident in the Joint Declaration on Human Rights issued in June in the name of 52 non-government organisations. This Declaration argued that to emphasize "the importance of particularities in cultural values, historical backgrounds and religious differences ... only undermines ... the very universality of human rights".

Indonesia's non-governmental delegation to the Vienna meeting was led by Buyung Nasution, who had founded the Legal Aid Institute in 1970. He had played a prominent role as defence counsel in many political trials, had spent much of the late 1980s studying for a doctorate in law in the Netherlands and had returned to Indonesia in late 1992, resuming his role as a central figure in human rights activity. At the Vienna conference he fashioned co-operative arrangements with human rights NGOs from other ASEAN states.

In December 1992 the Indonesian government announced that a National Commission on Human Rights would be formed. In June 1993 it announced that Ali Said, a former general, Justice Minister and Supreme Court Chairman would head this body.

Since then the government has been embarrassed by its slowness to name the rest of the Commission's membership. A number of Indonesians with credentials in the human rights area have said they are unwilling to be members of the new body, or that they would accept membership only on certain conditions. It has become apparent that people like Buyung Nasution, now head of the Legal Aid Institute once more, and Mulya Lubis, a former head of this Institute who now heads an Institute for the Study of Human Rights, have considerable leverage in this respect.

## Attitudes on East Timor

How do Indonesia's human rights organisations view East Timor? Only a small group of radical organisations like INFIGHT (Indonesian Front for the Defence of Human Rights), SKEPHI (Indonesian Network for

Forest Conservation) and some student groups see East Timor as a central human rights problem. Some of these have come out in favour of self-determination for East Timor.

However there has been a marked rise in interest in East Timor in the human rights groups as a whole, and indeed in the larger NGO constituency of which they are part. Human rights activists from several groups have developed contacts with East Timorese activists in Java and Bali, and a few of them have established such contacts with supporters of the East Timor cause in the outside world.

A principal argument of these groups is that it is not just in East Timor that there have been gross human rights violations of the kind to which the world media have recently called attention. They point to other massacres which have had less international media attention than they deserved, especially in Aceh in 1989-91, in Lampung in 1989, and in Jakarta's port of Tanjung Priok in 1984. New revelations in October 1993, about the disposal of bodies of unarmed demonstrators who had been shot dead in Tanjung Priok in September 1984, have suggested that that massacre was possibly larger than the Dili one.

It is still unusual to find acknowledgement in the Indonesian media that the East Timor issue is an impediment to the implementation of foreign policy initiatives in other areas. But this was recognised explicitly in an unsigned article in the April-May issue of the monthly *Sintesis*, published by an institute close to the Islamic Intellectuals League ICMI. At that point it had become unlikely that President Soeharto would succeed in securing an invitation to address the Tokyo G7 meeting on behalf of the Non-Aligned Movement.[9]

Indonesian awareness of the Timor issue has also grown as a result of the publication of new accounts of what happened in East Timor in 1974-76. One of these was included in a recent authorised biography of Benny Moerdani, by Jusuf Pour, which highlights the importance of clandestine dimensions of the Indonesian campaign to incorporate the territory, and admits that its military side was badly bungled.

In addition General Syafei has inaugurated a new phase in the official historiography of the Timor invasion by drawing attention to the scale of the early fighting. The Yogyakarta daily *Kedaulatan Rakyat* of 26 January 1993 quoted him as saying "ABRI had to cope with Fretilin, which had 17,000 weapons". The earlier official position, occasionally still reaffirmed, is that it was Indonesian volunteers who supported the Timorese who sought their territory's integration into Indonesia.

A recent poem by the popular song writer Bramantyo, *Kawanku, seorang serdadu* (My friend the soldier) has highlighted the horror of the Timor war.[10] This also emerges from various papers by George J. Aditjondro, a lecturer in Development Studies at Satya Wacana Christian University in Salatiga, Central Java, who was in East Timor in 1974 as a journalist for the weekly *Tempo* and revisited the territory in June-July 1993. Aditjondro advocates not only self-determination for East Timor but independence.[11]

In Indonesian intellectual circles, and especially among journalists and cultural figures, East Timor is now often referred to in terms of "trauma". That term's connotations include the massacres of 1965–66.

# 6 The search for a settlement

Indonesian-Portuguese talks on East Timor, mandated by the UN General Assembly in 1982, were broken off shortly before the Dili massacre and resumed in September 1992. Since then there have been three further rounds of meetings of the Indonesian and Portuguese Foreign Ministers with UN Secretary-General Boutros-Ghali, in New York in December 1992, in Rome in April 1993 and in New York again in September 1993.

Not much has been disclosed about what was discussed at these meetings and what their outcomes were. After the December 1992 meeting the Portuguese Foreign Minister stated that the two parties' positions were 180 degrees apart. But there seems to have been more progress at the next two meetings.

Portugal has reportedly been seeking to have representative East Timorese involved in the talks, and to have a UN presence established in East Timor. Indonesia has resisted these proposals.

One point on which agreement was reached at the May 1993 meeting was that there should be confidence building measures and exchanges of journalists.

In advance of the September 1993 meeting US Secretary of State Christopher wrote to the two Foreign Ministers, urging them to do more to reach agreement. After that meeting Secretary-General Boutros-Ghali issued a statement on its outcome which refers to seven areas in which the parties would continue to seek agreement. The bulk of the text of this statement is Appendix 6.

The meeting's decision that the next meeting of the series would be only in May 1994 suggested to some observers that the process is losing steam. But progress could come before May 1994 as a result of the foreshadowed meetings of the Indonesian and Portuguese Permanent Representatives at the UN with Boutros-Ghali's East Timor representative, the Peruvian Alvaro de Soto.

## Settlement proposals

From the Timorese side two main settlement proposals can be said to be on the table. One of these is the CNRM's proposal presented by Jose Ramos Horta in April 1992 when he addressed the Human Rights Sub-Committee of the European Parliament.

This proposal, Appendix 7 of this document (p. 31), calls for a ceasefire, followed by the immediate release of all political prisoners. After that Indonesia would reduce its troops in East Timor to 1000 within two years and allow several UN agencies to operate there.

Following this two-year period the government of the territory would be accountable to an elected provincial assembly, with Indonesia retaining sovereignty and control of foreign policy. A referendum, with independence one option, would be held after either five or ten years of this arrangement, so either seven or twelve years after the ceasefire. Indonesia would have the option of making the initial five-year period into a ten-year one.

A second Timorese proposal put forward by Bishop Belo in February 1993 is less fully elaborated. It calls for a "special status" for East Timor, involving autonomy which would begin with the cultural and religious fields and then extend to the economic and financial ones. Belo's position on the Lopes da Cruz proposal for reconciliation talks premised on the acceptance of Indonesian sovereignty — that there is no point in talks in which "Ramos Horta and his colleagues" — did not take part, suggests that he sees the CNRM as an essential component of any durable settlement.

The Bishop speaks of "the human right(s) of self-determination" and has repeatedly confirmed the position he took in February 1989 in writing to the UN Secretary-General about the need for a UN-conducted referendum on the future of East Timor. He has quoted Puerto Rico's position in relation to the USA and the positions of Madeira and the Azores in relation to Portugal as possible models for East Timor's relationship to Indonesia. But it is not clear whether his support for autonomy arrangements of this kind is as a short-term (pre-referendum) possibility or as a long-term one.

Are there grounds for believing that the Indonesian government is likely to take proposals like these seriously?

Those who answer this question in the affirmative usually argue that President Soeharto wants to improve Indonesia's standing in the outside world and to do away with the embarrassment which the Timor issue persistently creates. Some of them add that the President has recently achieved a higher level of ascendancy over the Indonesian armed forces (ABRI), and is therefore better placed to make concessions to the outside world on East Timor.

Tension between the President and ABRI was very high in the months before the March 1993 meeting of the People's Consultative Assembly. The former Armed Forces Commander, Try Soetrisno, was

*'The situation in East Timor remains explosive because of a persistent contradiction.'*

elevated to the Vice-Presidency at that meeting Assembly, a victory for ABRI. But the military were clear losers in the composition of the cabinet formed after the meeting. The dropping of General Benny Moerdani from the cabinet was seen as especially important in this regard, as was the fact that four portfolios went to associates of Research Minister B.J. Habibie. Dr. Habibie, chairman of the Islamic Intellectuals League ICMI, and long an opponent of military influence in the government, is now often described as the No 2 man in the Soeharto government.

Soeharto's ascendancy over ABRI was further confirmed at the congress of the government party Golkar in October, when the President's preferred candidate, the civilian Information Minister Harmoko, was elected chairman.

Those who believe that President Soeharto has been preparing the ground for a major change in his East Timor policies were heartened when the President told the media on 9 July that Indonesia had only agreed to incorporate East Timor because the East Timorese had invited it to. This was little more than a repetition of a remark a spokesperson attributed to him in February 1992. But it may be significant that he spoke to the media directly on this second occasion.

A recent series of transfers of army officers loyal to Benny Moerdani is widely seen as increasing Soeharto's personal control over the army, and have been interpreted as suggesting that Soeharto is preparing the ground for major changes in Timor policy.

On the other hand many observers of the Jakarta scene see no evidence that the President regards his Timor policies as having failed. Having achieved unprecedented international standing as Chairman of the Non-Aligned Movement (NAM) and the Asian Pacific Economic Co-operation forum (APEC), he does not need, they say, to give painful concessions to his foreign critics. Some add that he is as worried as the armed forces leaders about the consequences of admitting defeat in East Timor, particularly the consequences for maintaining control in Irian Jaya and Aceh.

This sceptical intepretation is sometimes combined with the view that Soeharto's perspectives on East Timor are much influenced by his son-in-law, Colonel Prabowo, a specialist on East Timor and a long-time hard-liner on Timor issues.[12]

So far no senior figure in the Soeharto government has indicated that the government is willing to move towards a form of settlement far-reachingly different from today's status quo. On the other hand there have occasionally been suggestions that the government might be willing to grant East Timor the status of a special territory (*daerah istimewa*). This status was granted to Aceh in 1962 as a result of negotiations to wind up a nine-year old rebellion. It initially gave the provincial government and legislative assembly wide powers over matters of religion, customs and education, though these were later whittled away.

## Future

What might a durable settlement look like?

The logic of the analysis here is that only a settlement satisfactory to the East Timorese will be durable, and that such a settlement will be reached only if Indonesia negotiates with people who have wide support among them, including the leaders of the Resistance and Bishop Belo.

Such negotiations will presumably need to be accompanied or followed by the release of Xanana Gusmao. As the *Sydney Morning Herald's* 25 May 1993 editorial argued, Xanana is East Timor's Nelson Mandela. His authority will be needed if a settlement involving compromise with Indonesia is to stick. It will presumably be he who will moderate divisions among the Timorese, forestall and countervail violence, and mediate relations with Jakarta, in the difficult stages likely to follow an agreement.

Bishop Belo's contributions will probably also be of great importance, as those of Archbishop Tutu have been in South Africa. Mario Carrascalao, East Timor's Governor between 1982 and 1992, who has recently been appointed as Indonesia's Ambassador to Rumania, is a third Timorese with the potential to play unifying, stabilising and mediating roles.

Happily, these three — Xanana the guerrilla leader, Belo the cleric and Carrascalao the agricultural engineer whose ten years as governor gave him a detailed familiarity with Jakarta politics — have a good deal of trust and respect for each other. An agreement from which the three of them emerge in positions of authority and influence would be likely to be widely acceptable.

International guarantees will need to be part of any settlement for it to prove durable. International presences should include UN bodies as well as Portuguese and Australian consulates.

Moreover it is highly desirable that ASEAN should be part of the structure of international guarantees. The establishment of a Representative or Liaison Office accountable to the ASEAN Secretary-General would be a major step forward for ASEAN as an institution. It would create hopeful precedents for the Muslim areas of Southern Thailand and the Southern Philippines as well as for Irian Jaya and Aceh.

Why should one expect such a settlement to become feasible? That expectation rests on three aspects of the situation. Firstly, it rests on the supposition that pressure on Indonesia from the US, Europe and other countries to open East Timor to human rights agencies and journalists is unlikely to wane.

Secondly, it rests on the view that the situation within East Timor remains explosive because of a persistent contradiction. On the one hand the Indonesian military sees anti-integrationist protest as subversive and believes in the need to act firmly to prevent and punish it. On the other hand young Timorese men will continue to be driven, by patriotism as carried in family memory, to demonstrate defiance of Indonesian authority; they will continue to put their lives at risk; and they will continue to enjoy the sympathy of the many in the outside world who believe strongly in the right to peaceful protest.

The current policies of the Indonesian government seem incapable of resolving this contradiction, and it is hard to see alternative policies which would be any more effective.

Thirdly, the expectation that a settlement will become feasible rests on assumptions about self-determination pressures in other parts of the world. The last three years have seen self-determination realised and long-term occupation reversed in the three Baltic states, Namibia and Eritrea, and few doubt that ethno-nationalist demands will remain a major dimension of world politics. Those demands will require the leaders of the large states and of the UN system to give their attention to proposals for internationally guaranteed autonomy, and probably also to new roles for regional associations of states, if only to ward off the more destabilising possibility of having to allow changes of borders.

If the Israel-PLO agreement of September 1993 sticks it may prove to be a crucial milestone in moves towards a more confederalized world, a world in which there are many territories with internationally guaranteed autonomy, as well as "sovereign states", member states of federations, and provinces. The list of "trouble spots" which are candidates for internationally guaranteed autonomy is a long one, including Kashmir, Tibet, the Kurdish areas of Turkey and Iraq, Northern Ireland, Hongkong, North Korea and the putative homelands of Zulus and Afrikaners in South Africa.[13]

*'Only a settlement satisfactory to the East Timorese will be durable and such a settlement will only be reached if Indonesia negotiates with people who have wide support.'*

*The Parliament has a particular responsibility to urge action towards a durable solution of the conflict.*

# 7 Recommendations

**1** The Australian government should actively explore the possibilities of a durable solution to the East Timor conflict, one which takes the continuing strength of East Timorese nationalism seriously, and indeed the roots of this in memory, the memory of the terrible years of invasion, aerial bombardment and famine, of the Kraras and Dili massacres and so on.

This is not merely a matter of living up to our claims to be a country practising good international citizenship. It is also mandated by Foreign Minister Gareth Evans's commitment to early preventive diplomacy, a key concept in his recent "Blue Book", *Co-operating for Peace*.

**2** The Parliament should see itself as having a particular responsibility in urging action towards a durable solution of the conflict in East Timor because it is freer than the executive branch from the press of short-term imperatives and under less pressure to accept formulations based on the Indonesian government's wishful thinking about the territory. The Parliament is therefore in a position to acknowledge what emerges from any careful consideration of what has happened in East Timor in the last five years: that the Indonesian government has lost the battle for the hearts and minds of the East Timorese, that it is up against a full-blown nationalist movement whose representatives enjoy considerable sympathy, and that there will be further outbursts of rebellion and further human rights abuses until this government is willing to negotiate a settlement with their authoritative representatives. The Indonesian government may not need to concede a process that leads to independent statehood for East Timor, but it will need to negotiate seriously with non-puppet figures if a durable solution is to be achieved. As in the case of South Africa before 1990 and of Israel-Palestine before 1993, the main question is how long these negotiations will be delayed. If they are delayed for a long time there will be important costs to Australian-Indonesian relations as well as to peace and human rights.

**3** The government should cooperate with the US government in the search for a durable settlement in East Timor. Australia has every reason to support whatever moves the US makes in pursuit of a far-reaching settlement in East Timor. This is an area where our voice may count for a great deal, because there is respect in the US for our expertise on Indonesia issues.

**4** Granted the importance of the UN aspect of the East Timor conflict, we should also be responsive to initiatives emerging from the Office of UN Secretary-General Boutros-Ghali. The fact that the Secretary-General has entrusted responsibility for East Timor to the Peruvian Alvaro de Soto, architect of the successful peace settlement in El Salvador, suggests that it may be through a UN process that a settlement will eventually be hammered out. This UN aspect is too often neglected in Australian discussion of East Timor. *Australia's Relations with Indonesia*, the November 1993 publication of the Parliament's Joint Standing Committee on Foreign Affairs, Defence and Trade, is a good example of such neglect.

**5** Australia should be prepared to commit expertise to two types of problems which a far-reaching settlement in East Timor could pose for stability and good governance in Indonesia. One of these has to do with the Indonesian government's control of Irian Jaya and Aceh. On this there is path-breaking thinking in Anne Booth's paper *Can Indonesia survive as a unitary state?* in the June 1992 issue of the University of London periodical *Indonesia Circle*. The other has to do with possible rear-guard actions by military groups which see a far-reaching change in East Timor as threatening the position of the military in Indonesia as a whole.

**6** Some Australians should be thinking ahead about the "nuts and bolts" of an East Timor settlement, for instance: how should revenues from off-shore oil be divided, how should demilitarisation be effected, how practical is the case for East Timor having its own central bank and currency, by what criteria should migration into and out of the territory be regulated, and how should the non-indigenous minority be protected.

**7** Parliamentarians with an active interest in human rights should be vigilant in relation to the new rhetoric contrasting our approach to human rights in Asia with that of the US. There has been virtually no critical response so far to the recent statement of Gordon Bilney, the Minister of Development Co-operation, affirming "an historical difference of opinion" with the US over human rights, and asserting that we prefer a "case-by-case approach rather than punitive mechanisms".[14]

**8** The leaders of the government should be challenged when they indulge in cheap anti-Portuguese rhetoric. It does Australia's reputation no good for its Prime Minister to be denying Portugal's moral right to side with the East Timorese. And one can only wonder what criteria he chose to opt for in accusing Portugal of having been the world's worst colonial ruler. This rhetoric may reflect a sense of antagonism born of Portugal's taking Australia to the World Court for our signing of the Timor Gap Agreement. Or it may reflect merely our leaders' search for language likely to win them approval in Jakarta. But, whatever the explanation, the leaders of public opinion here should not allow them to get away with manifestly tawdry formulations.

**9** Government leaders should also be challenged when they buttress their support for the status quo in East Timor by arguments which link self-determination claims with the violent unravelling of multi-ethnic states as in the case of Yugoslavia and the USSR. With a 6% growth rate and a cohesive army, Indonesia is clearly not threatened by general territorial fragmentation, though it does face strong autonomist pressures in Irian Jaya and Aceh and decentralisation challenges of other kinds in other regions.

Good international citizenship cannot be merely the bland friendliness which disguises repressive status quos. It must involve forward-looking thinking which makes it possible for neighbour states to contribute to the non-violent unmaking of situations where repression and resistance feed on each other in a vicious circle.

In this context policy planners should be considering the arguments of various lawyers, international relations scholars and former UN officials who are calling for new UN guidelines and machinery to evaluate self-determination claims amd settle them in ways which protect minorities.[15] Proposals of this kind have had more attention because of "how can we avoid more Bosnia's" thinking, and specifically as a result of the Liechtenstein initiative. Liechtenstein argued for the "rights of communities" at the 1991 meeting of the UN General Assembly and this led to the Informal Meeting of Experts on Self-Determination held in Liechtenstein in March 1993. A report on the latter meeting is Appendix 8.

*'Australia should cooperate with initiatives by the Clinton Administration and UN Secretary-General Boutros-Ghali in the search for a settlement.'*

**10** Parliament should consider taking initiatives separate from those of the government with regard to East Timor. For instance the Human Rights Sub-Committee of the Joint Standing Committee might invite the Human Rights Working Group of the Indonesian Parliament (part of its Body for Inter-Parliamentary Co-operation) to engage in small group discussions on East Timor. It might be appropriate to start with informal discussion of the long shadows cast by the past on Australia's Aborigines as well as East Timor.

9 December 1993

> *'Leaders of public opinion in Australia should not allow the government to get away with manifestly tawdry formulations on East Timor and Portugal's role.'*

## Footnotes

1 *Remembering History in East Timor: The Trial of Xanana Gusmao and a Follow-up to the Dili Massacre* Asia Watch, Vol. 5, No 8, April 1993, 44 pages. This document includes one of the first published accounts of the August 1993 massacre at the village of Kraras which marked the end of a post-March ceasefire. The fullest documentation of East Timor developments is in the London bimonthly periodical Tapol Bulletin.

2 Personal information. See also *'Not by bread alone'. Report on a visit to East Timor* by an ecumenical delegation representing the Christian Conference of Asia and the World Council of Churches, 16-19 April 1992.

3 *Fear and repression still rule war-torn Indonesian island*, New York Times, 21 April 1993, page 1.

4 *Indonesia's Threefold Crisis*, Journal of Democracy, October 1992.

5 See Amnesty International, *Indonesia/East Timor. Seven East Timorese still in danger*. 5 July 1993. This report contains testimonies to gruesome forms of torture, includng being forced to swallow a rosary.

6 The above is based largely on Kiyoko Furusawa, *Double Standard! Japan's Stand on East Timor*, paper presented to the UN World Conference on Human Rights, Vienna, June 1993 on behalf of the Free East Timor Japan Coalition, also Akihisa Matsuno, *Japan and the East Timor Issue. The Government, Citizens' Movement and Public Opinion*, paper prepared for the 5th Symposium of Oporto University on East Timor, 22-29 July 1993.

7 *Timor Peace Plea*, Sunday Herald Sun (Melbourne) 21 November 1993.

8 Interview with Timor Link in September, quoted in Timor Link No. 27, October 1993, p. 6.

9 *Indonesia, Gerakan Non-Blok dan G7* (Indonesia, the Non-Aligned Movement and the G7), Sintesis, Vol 1, No 4.

10 It was published in Inside Indonesia, September 1993, in the original and with an English translation.

11 See especially *Prospek pembangunan di Timor Timur: perlunya pemikiran ulang secara mendasar* (Development prospects in East Timor, the need for fundamental rethinking), Satya Wacana Christian University, Salatiga, 2 December 1992 and *From Memo to Tutuala: A kaleidoscope of environmental problems in East Timor*, Satya Wacana Christian University, Salatiga, 6 August, 1993.

12 On the optimists versus sceptics arguments among Indonesia specialists on whether the Soeharto government is likely to be giving serious consideration to major changes in its Timor policies see Herb Feith, *New moves for peace in East Timor*, Inside Indonesia, June 1992 and Herb Feith, *East Timor, The opening up, the crackdown and the search for a durable settlement* in Harold Crouch and Hal Hill, Indonesia Assessment, 1992 Political Perspectives on the 1990s, Department of Political and Social Change, Australian National University, 1992.

13 On autonomy arrangements in the 20th century see H. Hannum, *Autonomy, Sovereignty and Self-determination*, University of Pennsylvania Press, Philadelphia, 1990 and Ted Robert Gurr, *Minorities at Risk, A Global View of Ethno-Political Conflict*, United States Institute of Peace, Washington, 1993

14 *US attacks human rights stance* in The Weekend Australian, 23-24 October,1993

15 Erskine Childers, *The United Nations in the 1990s: Restoring the Vision*, Working Paper, Peace Research Centre, Australian National University, 1993 and Herb Feith and Alan Smith, *Self-determination in the 1990s: Equipping the UN to resolve ethno-nationalist conflicts*, in K. Rupesinghe, ed., Conflict Transformation, MacMillan, London, 1993.

# Appendices

## *APPENDIX 1* THE DEFENCE PLEA OF XANANA GUSMAO

*Following a four-month trial widely judged to be unfair, East Timor's resistance leader, Xanana Gusmao, was sentenced to life imprisonment on 21 May for rebellion and possession of firearms. His "defence plea" was declared "irrelevant" by the Indonesian judge and, in an unprecedented move, he was forbidden from delivering it to the court. Observers in the court said that as his life sentence was read, Xanana said softly in Portuguese "Viva Timor Leste" (Long Live East Timor). The following are excerpts from the 28-page statement, hand written by Xanana in Portuguese and smuggled out of East Timor.*

"First of all I would like to thank you for the opportunity you have afforded me to express myself freely, without coercion of any kind. I have always insisted in all my conversations with everyone, including my conversation with the Indonesian ambassador to the United Nations, Mr. Nugroho, that considering the circumstances under which my earlier statements in Jakarta were made, they cannot be construed as being credible.

This is the appropriate moment for me to explain everything. I hope the Indonesian intellectuals will understand my frame of mind at this moment when I am making use of my freedom of expression as a result of the rights which I have.

I hope that the new Indonesian generation, or to be more precise, the Indonesian youth will appreciate the importance of the law on freedom both as a fundamental aspect of human life today and in the modern society in which we live.

I hope finally that the international community will appreciate the worth of all my declarations, considering the time and place in which they were made. I thank you once again, honourable judge, for allowing me to speak in my own defence.

### Citizen of East Timor

I am resistance commander Xanana Gusmao, leader of the Maubere resistance against the cowardly and shameful invasion of the 7 December 1975 and the criminal and illegal occupation of East Timor for the last 17 years.

On 22 November last year in Denpasar, I signed a document in which I affirmed that according to international law, I continue to be, like all Timorese, a Portuguese citizen and before my own conscience I am a citizen of East Timor.

It is in these terms that I reject the competence of any Indonesian court to try me, and particularly the jurisdiction of this court which has been imposed by force of arms and crimes against my homeland, East Timor.

I believe that the international press has not failed to notice that massive political stage-managing has occurred. In case this has gone unnoticed, I now want to draw the attention of everyone to the fact that I feel like a foreigner in my own land. In prison at Polwil (the regional police command) I am completely surrounded by Indonesians; officers from BAIS (the Strategic Intelligence Agency) and men from Kopassus (the red-beret elite troops) are my warders. I asked for a visit from the Bishop and they sent me an Indian priest who is a defender of integration.

Here in this so-called court, I see only Indonesians and above all, Indonesian military from Kopassus and BAIS. According to Indonesian law, trials of this nature are, or should take place, in public. Every time that I enter this courtroom, the public that I see are these same military authorities, some of whom have been the main actors in my case, throughout my imprisonment. The Timorese, my compatriots, are out in the street under strict surveillance. This is the blatant rule of the occupier. This is the display of foreign oppression, foreign domination which flaunts the arrogant contempt of the colonisers.

### International Responsibility

The question of East Timor is the responsibility of the international community, a question of international law. It is a case in which universal principles are at stake, a case where the decolonisation norms of the UN have been manipulated, a case therefore of the flagrant violation of the principles of the Non-Aligned Movement, and of the universal pattern of law, peace and justice.

Every Indonesian is bound to the policy of their own nation, and their understanding of East Timor is the product of how their government sees it, unless they listen to their own consciences and commit themselves to the universal principles of justice, freedom and the rule of law.

For 17 years, East Timor, the other side of the coin, has been the story of the great Indonesian farce. For almost four months I have been used as part of this shameful farce. Whether cleverly or unfortunately is not for me to judge.

The court claims that it is trying me for crimes committed against the Indonesian state and for the illegal possession of firearms. I know that everything has been arranged for me to be acquitted ...

The ones who should be standing before an international court are, in the first place:

- the Indonesian government for crimes committed in the past 17 years in East Timor;
- the US administration which gave the green light to the invasion on 7 December 1975 and has since given military aid and political support for Indonesia's genocide in East Timor;
- the governments of Australia and western Europe for their policy of complicity towards Indonesia;
- and finally, the Portuguese government for its grave irresponsibility in the decolonisation of East Timor.

The UN recognises as legitimate all means of opposition to the colonial presence in any part of the world where people are fighting for liberation. My struggle and the resistance of my people and of Falintil (the armed forces of the East Timorese resistance movement, the CNRM, the National Council of Maubere Resistance) should be placed in this context, standing above Indonesian law.

Mr. Sudjono, in his demurrer (*eksepsi*) tried to adopt a more liberal position when he questioned the "Balibo Declaration", but he did not deal with the fundamental problem — the illegality of the annexation of East Timor by means of force. The key question in this court is the so-called "process of the integration of East Timor".

## Force

I remind you here that in Denpasar I was compelled to make statements apologising to the Indonesian army for the massacre of Santa Cruz, a massacre which was perpetrated by the Indonesian army and not by me. I remind you as well that in Jakarta, I declared on the specific instructions of the puppet Governor, Abilio Osorio, that I was prepared to surrender.

This court must surely agree with me that it went too far in saying that Fretilin "dared to impose its will on the people" and that the aforementioned Bali Beach proclamation (the "Balibo Declaration", purportedly signed in Balibo, East Timor, by several East Timorese on 30 November 1975, was in fact signed in Bali, Indonesia at the Bali Beach Hotel) expressed the genuine will of the people of East Timor. The court omitted the political element which would have given it the juridical validity on which everyone insists: representation of the will of the majority of the people. This is the *conditio sine qua non*.

Until this very moment, the UN does not recognise Indonesian sovereignty over East Timor, a sovereignty which was imposed by the means of force, by the practice of violence, and the systematic violation of the most fundamental human rights.

This court mentioned the date 17 December 1975 as the day of the formation of a provisional government and a local assembly. And since all the Indonesians have forgotten, it is my duty to recall here the tragic day, 7 December of that same year. The 7 December 1975 which witnessed the cowardly and shameful Indonesian invasion, the day on which Indonesian troops indiscriminately massacred the defenceless population of Dili, causing thousands of deaths among the elderly, women and children, including an Australian journalist.

While the Balibo statement was signed with the blood of four Australian journalists who were murdered by Indonesian troops during the attack on the village of Balibo, the so-called provisional government was formed over the corpses of the Timorese massacred between the 7th and the 17th of December of that year.

A government which was established to the accompaniment of the sound of the sea and land shelling of the defenceless population, to the sound of advancing tanks and cannons, can such a government claim any judicial standing? In my opinion, it has the same standing as the advance of the Iraqi troops in Kuwait, the same dimension as the advance of the Russian tanks into Kabul, the same character as the Vietnamese invasion of Cambodia.

The court said that Fretilin was opposed to the referendum, should the people choose integration. However, quoting the so-called petition, the court mentioned that Arnaldo de Araujo, Guilherme Goncalves, and the president, General Suharto, convinced Parliament to approve in haste integration without any referendum. After all, who was it that did not want a referendum, Fretilin or Indonesia?

On behalf of which people was that so-called petition signed? Today, the Indonesian government can show the world its de facto control of the territory, and claims to be developing the territory which it is occupying, while at the same time condemning the ones who are not able to do this, namely Portugal. Is it because Portugal failed to develop East Timor for four hundred years, that we Timorese have had to pay for the errors of one coloniser while also paying for the crimes of the other coloniser?

## Indonesian lies

I have been lectured a lot about the backwardness of Portuguese colonialism as if I had not lived under that colonialism. They want to show me the development in East Timor as if this were just a matter of statistics, to be compared with the Portuguese colonial period. I should ask whether colonialism can be quantified as good or bad.

I have been in contact with Irian Jayan officers who spoke to me about the great Indonesian family and I was disgusted with these men. I met a Sumatran, a translator from BAIS who speaks Portuguese and had nothing but praise for his Javanese brothers, and I felt repulsion. I have met officers from Sulawesi who told me about Indonesian "standards" and I felt an emptiness inside me.

The concept of *realpolitik* has acquired a new dimension for me. Political realism is political subservience, the denial of the individual conscience, the death of the conscience of a people.

I understand very well what scares Indonesia today, like yesterday. The ideological anachronism/ orthodoxy of ethnic groups which has motivated the war in Yugoslavia and in the republics of the former Soviet Union. The theories are not proving history to be right, it is history which is validating genuine and false theories.

The facts described by Mr. Sudjono originate from the misconceptions which he has as an Indonesian citizen who is bound to the policies of his government. By the way, he was appointed by BAIS and therefore by the Indonesian government. On 22 December, I read a letter that was addressed to me by the LBH (the Legal Aid Institute). On 23 December I replied to that organisation, accepting a lawyer. But I was compelled to renounce it. On the 30 of the same month, I had to write a letter to the LBH refusing their offer. My initial letter which had been intercepted was returned to me.

BAIS is a powerful machine of the Indonesian secret police, and Kopassus are their sinister tentacles. The Indonesian military don't accept any other policy other than the one dating from 7 December 1975. In my case, both BAIS and the Indonesian government decided to play it by taking the least possible risks, manipulating the entire proceedings. To be able to be here today and to be able to talk as I am now doing, I also chose to take risks inherent to my struggle. I have always told everyone: "You are talking with Xanana and not with one his *anggota*" ("members" or subordinates).

My own situation in which all my movements were rigorously controlled remind me of the total control that followed in the wake of the cowardly massacre of Santa Cruz against the population of Dili and in particular against the heroic youth of East Timor.

In Polwil where they try to flatter me with exaggerated attention, the inscriptions written by the prisoners, my companions, on the prison walls, remind me constantly of the sufferings of many of my compatriots, victims of all kinds of torture, and also remind me constantly of the unforgettable 12 November 1991. What did the peaceful demonstration of 12 November want? To remind Jakarta and to remind the world that there is something profoundly wrong in East Timor.

## Referendum

On the day of my capture, in the meeting I had with General Try Sutrisno, I mentioned the question of dialogue with representatives of the people of East Timor. One of the twenty generals who were present and were congratulating each other for the imminence of their easy victory, asked me, furiously: "*Rakyat mana*?" (What people?) and when I answered, "Let's have a referendum", the Indonesian generals had to swallow their own arrogance. On the next day, 21 November — I was already in Denpasar — when the wife of the local *panglima* (military commander), surprised by the extent of the support I had, said, "after all many people support him", a high ranking officer said, "possibly all the people of East Timor."

During the period of interrogation by BAIS in Jakarta, I realised that the war in East Timor is in essence a matter for BAIS, it is not a political issue for the government in Jakarta as one might have thought.

Mr. Pieter Kooijmans was the rapporteur of the UN sent to East Timor with the agreement of Jakarta to investigate *in loco* violations of human rights in the territory, violations which had always been denied by Indonesia at the UN. During his visit, a massacre was perpetrated in cold blood...

The corpses have disappeared to this day or, rather, were thrown into mass graves. Where? Only the forces of occupation know. Many of the murderers are present in this room, men from Kopassus, *intel* (intelligence) men, the men in whose hands the entire political life in East Timor and also Indonesia rests.

What or who are the Indonesian forces of occupation afraid of? Of the defenceless population, of a population that you, gentlemen, say are satisfied with integration? Whom do you want to terrorise?

In the UN, Jakarta cannot suppress the fact that Portugal is an interested party in the solution of the problem. And so, Jakarta should also never forget that the Maubere people (the people of East

Timor) have already demonstrated that the idea, the objective for which they have fought and resisted to this day, can never die. People die, but ideas stay alive.

If the Indonesian government does not know this, BAIS knows it very well. The witness, Saturnino da Costa Belo, is a clear example of the heroism of these people. The farce of the hastily drafted medical certificate stating that Saturnino was ill would make you blush with shame, all you gentlemen here present, because you know very well that the question rests here with you.

On the first day and on the following days, they asked me whether I considered myself to be an Indonesian and I always replied in this way: If I say yes, the *bapaks* (the mock deferential word meaning 'fathers' by which the East Timorese address Indonesian troops) will not believe me. First they laughed but then they gritted their teeth.

The Indonesian generals do not care about the spirit, the conscience of the people. They are quickly satisfied when we just do what they want. I don't know if this is just because of naivety or because of the culture of their military training. I know that BAIS made the necessary arrangements for me to be spared the death penalty and if I were to praise integration, I would be acquitted.

I remember once while in Jakarta, in order to make a change from recording all my movements in jail, they took me handcuffed for a tour of the city and they showed me the gold of Monas, the national monument of Indonesia. I felt like shouting to my warders that I would never sell my soul for the crest of gold Monas, and still less would I ever sell my people. I cannot betray the hope of my people to one day live free and independent.

I can never recognise the criminal occupation of East Timor only in order to be able to live for a few more years. My struggle is superior to my own life. The people of East Timor have sacrificed their own lives and continue to suffer.

I continue to recall the need for dialogue, with the participation of the East Timorese. I have always said to all those who wanted to listen to me that the Maubere people don't like the word '*pembangunan*' (development). The problem is that it is not free. Freedom is what my people value, the aim of their struggle. Dom Ximenes Belo put it very clearly when he wrote to the UN Secretary General: 'We are dying as a people and as a nation.'

The Indonesian ambassador to the UN came to ask for my cooperation. He asked me to be consistent in what I said. I noticed that the Indonesians have completely forgotten that I fought for 17 years and in order to be consistent, I must be consistent towards my people and never towards the assassins of my people, towards the invaders of my homeland.

Minister Ali Alatas in a speech last January said the following, 'If we don't accept, if Jakarta, won't accept a referendum, it is not because we are afraid of losing the vote but because many people have already suffered so much'. The ambassador to the UN told me, 'The problem is that dialogue as it is conceived by us (and therefore by Jakarta) has its parameters. We do not accept a referendum'.

In 1983, during the cease-fire, the then Majors (name illegible) and Gatot told us clearly, 'We don't accept a referendum because we know that all the people belong to Fretilin!'

Many witnesses who were brought here were inhibited from saying what they wanted to say. All the defendants had to declare that they surrendered of their own free will.

This court condemned the victims who were held in Polwil, the prisoners were inhumanely maltreated. It is enough to take a look at the witnesses who were brought here and who are still in jail. They are so thin.

Were those responsible for those murders ever brought before this court to answer for their crimes? What is the worth of a law which closes its eyes to the ghastly crime of 12 November? Which moral value, which pattern of justice, do the Indonesians uphold, to declare criminals to be heroes and condemn the victims.

All the proceedings connected with my trial are a matter for BAIS and Kopassus, and their officers fill this room, watching everything and everybody. Jakarta should be ashamed of its criminal behaviour in East Timor and should, since long ago, have recognised that it has lost in East Timor.

The Indonesian generals should be made to realise that they have been defeated in East Timor. Here, today, as the commander of Falintil, the glorious armed forces of national liberation of East Timor, I acknowledge military defeat on the ground. I am not ashamed to say so. On the contrary, I am proud of the fact that a small guerrilla army was able to resist a large nation like Indonesia, a regional power which in a cowardly fashion invaded us and want to dominate us by the law of terror and crime, by the law of violence, persecution, prison, torture and murder.

The moment has come for Jakarta to recognise its political defeat on the ground. I don't know if it was to impress me that they placed armed soldiers on the route from Polwil to the court.

I have been flattered in all kinds of ways in order to convince me to behave here like a docile Indonesian. I have had to behave like one, and the witnesses brought here have also had to behave in the same way. I know that behind me, the men from BAIS and Kopassus are gritting their teeth with rage. They should be doing it for being the real murderers of the Maubere people.

Who is afraid of a referendum? Why are they afraid of the referendum? I am not afraid of a referendum. And if today, under international supervision, the Maubere were to choose integration, I would make a genuine appeal to my companions in the bush to lay down their arms and I would offer my head to be decapitated in public.

Whoever is afraid of a referendum is afraid of the truth.

Why is there all that military apparatus in front of this disgusting court? Why are there armed soldiers posted along the route with their arms held at the ready?

## Appeals

I appeal to the new generation of Indonesians to understand that the people of East Timor attach much more value to freedom, to justice and to peace than to the development which is carried out here with the assistance of Australia, the United States and other European countries who maintain close economic relations with Jakarta.

I appeal to the people of Indonesia to understand that according to universal principles and international law, East Timor is considered to be a non-autonomous territory in accordance with the norms that govern decolonisation. I appeal to the Indonesian people to understand that East Timor is not a threat to Indonesia or a factor threatening Indonesia's security. The story they tell you, that East Timor is Communist is old (stale). We don't want to dismember Indonesia. The fact is that East Timor was never part of Indonesia.

I appeal to the international community to understand that it is time to show that the New World Order is about to begin. This requires acts that will bring to an end the situation inherited from the past.

I appeal to the European Community to be consistent with its own resolutions and also to be consistent with all the resolutions adopted regarding East Timor.

I appeal to all the friends of East Timor, parliamentarians from Europe, America, Japan and Australia, to go on pressing their own governments to change the double standards applied to similar cases where systematic violations of UN resolutions occur, as in the case of Indonesia's behaviour regarding East Timor.

I appeal to President Bill Clinton to reconsider the problem of East Timor and to press Jakarta to accept dialogue with the Portuguese and the Timorese in the search for an internationally-acceptable solution.

I appeal to the Secretary General of the UN to ensure that the solution he seeks for East Timor is based on universal principles and international law.

Finally, I appeal to the government of Indonesia to change its attitude and to realise that the moment has come to understand the essence of the struggle in East Timor.

From today, I will start a hunger strike, as a practical way to appeal to the EC, the US government and the government of Australia.

No agreement can be reached between a prisoner and his warders.

To the Secretary-General of the UN, I would like to say that I am ready to participate in the negotiating process at any moment or in any place. I will, however, never accept to be a part of the Indonesian side in the negotiations because I am not willing to participate in the farce of integration and in the criminal repression of my people.

As a political prisoner in the hands of the occupiers of my country, it is of no consequence at all to me if they pass a death sentence here today. They have killed more than one third of the defenceless population of East Timor. They are killing my people and I am not worth more than the heroic struggle of my people who, because they are small and weak people, have always been subjected to foreign rule.

Dili, 27 March 1993
(signed) X. Gusmao,
Member of CNRM, Commander of Falintil.

*Translation by Tapol, the Indonesian Human Rights Campaign. Published in Inside Indonesia, June 1993.*

# *APPENDIX 2* RESOLUTION 1993/97 CONCERNING EAST TIMOR

### 49th Session of the United Nations Commission on Human Rights
### March 1993

*The Commission on Human Rights,*

*Guided* by the Universal Declaration of Human Rights, the International Covenants on Human Rights and the universally accepted rules of international law,

*Bearing in mind* the statement on the situation of human rights in East Timor agreed by consensus by the Commission on Human Rights at its forty-eighth session (see E/CN.4/1992/84, para.457) following the violent incident of 12 November 1991 in Dili,

*Recalling* resolution 1992/20 of 27 August 1992 of the Sub-Commission on Prevention of Discrimination and Protection of Minorities,

*Gravely concerned* at continuing allegations of serious human rights violations and noting with concern in this context the reports of the Special Rapporteur on the question of torture (E/CN.4/1993/26), of the Special Rapporteur on extrajudicial, summary or arbitrary executions (E/CN.4/1993/46) and of the Working Group on Enforced or Involuntary Disappearances (E/CN.4/1993/25),

*Bearing in mind* the body of Principles for the Protection of All Persons under Any Form of Detention or Imprisonment approved by the General Assembly in its resolution 43/173 of 9 December 1988 and the Principles on the Effective Prevention and Investigation of Extra-legal, Arbitrary and Summary Executions, endorsed by the General Assembly in its resolution 44/162 of 15 December 1989,

*Taking note* of the information that the Government of Indonesia has provided the Commission on actions it has taken during the past year,

*Welcoming* the recent access to East Timor to human rights organisations as well as to some other relevant international observers, but remaining disappointed that such access is still frequently denied,

*Having examined* the report of the Secretary-General on the situation in East Timor (E/CN.4/1993/49),

1. *Expresses its deep concern* at the reports of continuing human rights violations in East Timor;
2. *Recalls* that the Commission has commended the decision of the Government of Indonesia to set up an inquiry commission but regrets that the Indonesian investigation into the actions of the members of its security personnel on 12 November 1991, from which resulted loss of life, injuries and disappearances, failed to clearly identify all those responsible for these actions;
3. *Expresses its concern* at the lack of information about the number of people killed on 12 November 1991 and at the persons still unaccounted for and urges the Government of Indonesia to account fully for those still missing since 12 November 1991;
4. *Regrets* the disparity in the severity of sentences imposed on those civilians not indicted for violent activities — who should have been released without delay — on the one hand, and to the military involved in the violent incident, on the other;
5. *Calls upon* the Government of Indonesia to honour fully its commitments undertaken in the statement on the situation of human rights in East Timor, agreed by consensus by the Commission on Human Rights at its forty-eighth session;
6. *Also calls upon* the Government of Indonesia to ensure that all the East Timorese in custody, including main public figures, be treated humanely and with their rights fully respected, that all trials be fair, just, public and recognise the right to proper legal representation, in accordance with international humanitarian law, and that those not involved in violent activities be released without delay;
7. *Welcomes* the greater access recently granted by the Indonesian authorities to human rights and humanitarian organisations, and calls upon the Indonesian authorities to expand this access further;
8. *Encourages once again* the Indonesian authorities to take the necessary steps to implement the recommendations presented by the Special Rapporteur on the question of torture in his report (E/CN.4/1992/17/Add.1) following his visit to Indonesia and East Timor and to keep the Special Rapporteur informed of the progress made towards their implementation;
9. *Urges* the Government of Indonesia to invite the Special Rapporteur on the question of torture, the Special Rapporteur on extrajudicial, summary or arbitrary executions, the Working Group on Arbitrary Detention and the Working Group on Enforced or Involuntary Disappearances to visit East Timor and to facilitate the discharge of their mandates;
10. *Welcomes* the agreement given by the Government of Indonesia to the proposal of the Secretary-General for a new visit to Indonesia and East Timor by his Personal Envoy in the coming months,

and invites the Secretary-General to consider transmitting the full reports of Mr. Wako's previous and next visit to the Commission on Human Rights;

11. *Also welcomes* the resumption of talks on the question of East Timor and encourages the Secretary-General to continue his good offices for achieving a just, comprehensive and internationally acceptable settlement of the question of East Timor;
12. *Decides* to consider the situation in East Timor at its fiftieth session on the basis of the reports of the Special Rapporteurs and Working Groups and that of the Secretary-General, which would include an analytical compilation of all information received from, inter alia, Governments, inter governmental and non-governmental organisations.

68th meeting,
11 March 1993
Adopted by a roll-call vote of 22 to 12, with 15 abstentions:

**FOR**

Angola
Austria
Australia
Barbados
Brazil
Bulgaria
Canada
Chile
Costa Rica
Czech Republic
Finland
France
Germany
Guinea-Bissau
Mauritius
Netherlands
Poland
Portugal
Russia
United Kingdom
United States of America
Zambia

**AGAINST**

Bangladesh
China
Cuba
Gambia
India
Indonesia
Iran
Malaysia
Nigeria
Sri Lanka
Sudan
Syria

**ABSTENTION**

Argentina
Burundi
Colombia
Cyprus
Gabon
Japan
Kenya
Lesotho
Mauritania
Mexico
Pakistan
Peru
South Korea
Tunisia
Venezuela

# *APPENDIX 3* UNITED STATES SENATE

June 30, 1993

The Honorable William J. Clinton
The President
The White House
Washington D.C
Dear President Clinton,

For many years, many members of the United States Senate have been greatly concerned over the tragic situation in the former Portuguese colony of East Timor, which was invaded by Indonesia in 1975 and continues to be the scene of widespread human rights abuses. We hope that you will use the occasion of your meeting with the Indonesian President Suharto at the time of the G-7 meeting in Tokyo on July 6, and other high level diplomatic exchanges, to stress American concern over these abuses and the pressing need to have greater access to East Timor for international humanitarian organisations. Additionally, we would urge you to seek the support of our G-7 allies for a lasting settlement under United Nations auspices of the East Timor conflict.

We appreciate the action taken by your Administration at the United Nations Human Rights Commission in Geneva in March, when the United States co-sponsored a resolution which strongly condemned the human rights abuses in East Timor, and called for greater U.N. involvement. The resolution sent an appropriate signal to the Government of Indonesia regarding America's interest in this matter, which has received increased attention since Indonesian troops killed more than 100 unarmed people at Santa Cruz cemetery in East Timor in November 1991. The Indonesian action was condemned by the Bush Administration and other democratic nations throughout the world.

We believe that the United States should review its policy on East Timor with an eye toward facilitating serious negotiations at the United Nations that might alter the unacceptable status quo. These negotiations would be in the pursuit of the right of self-determination of the East Timorese people, a course of action which the senate supported in a resolution passed on November 21, 1991. These negotiations would also include East Timorese representatives as well as Indonesia and Portugal, the other diplomatic parties to the conflict. We believe that the United States should work with its allies in Asia and elsewhere to convince Indonesia by diplomatic means that it is not in Indonesia's long-term interest to pursue the policies it has followed in East Timor since 1975.

We believe that resolutions to these problems would benefit Jakarta over time. We recognise the long-term friendship between the United States and the Republic of Indonesia. We note that bipartisan action taken by the United States Senate in 1949 is generally recognised to have hastened Indonesia's independence from The Netherlands. It is in the spirit of this long friendship and historical link that we make these suggestions on the East Timor situation.

Sincerely,

*This letter was signed by 43 United States Senators and transmitted to President Clinton on 2 July 1993.*

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November 1993

President William J. Clinton
The White House
1600 Pennsylvania Avenue, Northwest
Washington D.C 20520
Dear Mr. President,

As you prepare for the Asia Pacific Economic Conference (APEC) economic summit in Seattle from November 17-20, we are writing to urge you to take the opportunity to underscore the need for serious action to resolve the conflict in the former Portuguese colony of East Timor, which was invaded by Indonesia in 1975, and has been the scene of widespread and severe human rights abuses ever since. We believe that a just resolution in East Timor could create a better atmosphere for both American and Indonesian business interests, as well as U.S.-Indonesian relations in general.

We applaud your Administration's actions on behalf of human rights in East Timor. We are grateful that in your discussions with President Suharto during the G-7 meeting, you raised the issue of East Timor. We also appreciate the position taken by your Administration at the United Nation Human Rights Commission in Geneva in March, when the United States co-sponsored a resolution strongly condemning human rights abuses in East Timor and calling for greater U.N. involvement in the conflict.

Nevertheless, the State Department and several human rights organisations continue to report that the human rights situation in East Timor is deteriorating. There are consistent and reliable reports of torture of East Timorese detainees, harassment of the Roman Catholic Church, and arbitrary arrests of East Timorese opposed to Indonesian occupation. In fact, during a September visit of Congressional aides at least 53 student activists were "invited to attend guidance courses" while the delegation was visiting the island. Moreover, Jakarta has still not accounted for the 66 individuals missing after the Dili Massacre of November 1991, nor have civilians convicted in connection with the peaceful demonstration of November 12, 1991, been treated in accordance with international human rights standards.

When you and members of your Administration meet with President Suharto and other high-level Indonesian officials at the APEC conference, we hope that you will raise our concerns and reiterate the need for an authentic long-term solution to the Timor tragedy under the auspices of the United Nations. Such a solution should be "in pursuit of the right of self determination" for East Timor, as endorsed by the U.S. Senate in a November 1991 resolution.

We emphasise our support for the United Nations talks between Indonesia and Portugal. We were encouraged by the September 17 joint United Nations communique between Portugal and Indonesia calling for specific steps to be taken to secure the human rights of the East Timorese, such as freer access for international humanitarian and human rights groups. Implementation of this agreement, as well as the withdrawal of Indonesian troops, the release of East Timorese political prisoners, and the granting of meaningful autonomy to East Timor, would help foster an environment of peace and reconciliation in East Timor. Hopefully, negotiating an agreement will be a matter of priority.

We recognise the long-term friendship between the United States and the Republic of Indonesia, dating back to the strong support of the U.S. Senate on behalf of Indonesia during its struggle for independence from the Netherlands in the 1940s. It is the spirit of this historical link in which we ask for your continued support for East Timor, human rights, and prosperous trade relations between our two countries.

Sincerely

*This letter, signed by 37 United States Senators, was released to the media on 17 November 1993.*

# *APPENDIX 4* EDITORIALS

*THE NEW YORK TIMES*
Saturday, May 29, 1993

## Indonesia's Silenced Accuser

A show trial is a judicial travesty whose real purpose is to manufacture propaganda. An especially clumsy example was the sentencing last week in Indonesia of an East Timor rebel leader named Jose Alexandre Gusmao. The presiding judge spent seven hours reading a 250 paged verdict, denouncing the crimes said to justify sentencing the accused to life in prison. But when Mr. Gusmao sought to read his own 27-page defence, he was silenced by the court.

That was unusual even by Indonesia's authoritarian standards. Human rights groups like Asia Watch can recall no previous political trial there in which the defence statement was suppressed by judges.

The show trial is the latest round in Jakarta's ongoing campaign to justify its lawless grab in 1975 of the former Portuguese colony of East Timor. Claims that the Timorese were delighted with their new status as Jakarta's 28th (sic) province were refuted by a bloody massacre in 1991. Indonesian troops, firing at point-blank range, gunned down at least 50 demonstrators gathered in a cemetery. But President Suharto's Government sought to fend off criticism with a token inquiry and punishment of local commanders.

Last year Indonesian security forces captured Mr. Gusmao, leader of the separatist guerrillas in East Timor. Jakarta released a crudely edited videotape in which the rebel chief appeared to accept East Timor's annexation. But in reality, the prisoner played along with his captors, and was told that he would be acquitted if he renounced his fight for independence. He refused.

All this was set forth in the defence statement that Mr. Gusmao, who uses the nom de guerre Xanana, was forbidden to read because it was "irrelevant". His statement properly rebuked Western governments for condoning Indonesia's invasion, though to be fair he might have noted that third-world states have been even less outspoken about the offences of a powerful Islamic country.

Now the condemned man has begun his life sentence with a hunger strike. In a mockery of justice, Indonesia has only tarnished itself, not its prisoner.

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*THE WASHINGTON POST*
Saturday, December 5, 1992

## A Leading Asian Colonialist

Indonesia seems determined to keep competing for the title of Asia's leading colonial power. It does this by its stance in East Timor, a longtime Portuguese colony that became briefly independent of Portugal until Indonesia (of Dutch colonial lineage) swallowed it up in 1975.

A year ago, the Indonesian army won world attention for its unprovoked massacre of dozens of peaceful independence demonstrators. President Suharto partially recouped by making the army take a measure of responsibility — though not a full measure. This year the government is back with another arrogant and clumsy show of power, having caught the East Timor resistance leader Xanana Gusmao, the army showed him on television giving a performance so bizarre — he called on fellow guerrillas to abandon the independence struggle — as to raise the cry that he had been tortured. The human rights groups report new roundups, tortures and disappearances.

East Timor is the back of the moon to most Americans. Its quick absorption by staunchly anti-communist Indonesia — during the Vietnam War, when Washington appreciated Indonesia's support — barely registered on the American political scene, although some of that may change in a human rights-oriented Clinton administration. Of the European powers, only Portugal, which feels a residual guilt for not having seen its colony to independence, tries to keep East Timor on the international agenda. The United Nations recognises Portugal as the administrative power in East Timor, and the secretary general has invited Indonesia and Portugal to talks in New York on Dec. 17.

Indonesia needs to find its way to let East Timor choose its future. The U.N. talks offer a format. Indonesia also needs to meet the minimal standard of allowing the International Red Cross to visit Mr. Gusmao and its many other political prisoners. A wise Indonesian government would deal with Mr. Gusmao in a political process. Short of that, it would ensure him due process. How can it be in Indonesia's interest to remain a colonial power?

*THE WASHINGTON POST*
Friday, July 9, 1993

## Indonesia and Human Rights

First Bill Clinton, reversing Reagan-Bush policy, joined a tough resolution in the United Nations criticising Indonesia on human rights. Then, at the G-7 summit this week, President Clinton used a meeting that President Suharto had requested to talk about development to talk about human rights violations in East Timor as well. These are modest but necessary steps to hold Indonesia to account for its theft of East Timor's independence. President Suharto grabbed the territory just as it was breaking out of a disappearing Portuguese empire in 1975 and has been repressing a popular nationalist movement ever since. Most recently Indonesia gave a life sentence to the captured leader of the Timorese resistance after a trial that Lisbon denounced as farcical and illegitimate. "The Jakarta government should be the one to be tried for what it has done in East Timor," an official statement said. The Indonesian authorities are not pleased to be rebuked for a colonial policy in East Timor. As a market of 185 million people, as the largest Muslim state and as a "moderate" leader in development, Third World politics and regional affairs, Indonesia ordinarily evades the heavy criticism this part of its policy deserves. President Suharto has profited substantially from Western favour, including American favour, since his accession in 1965 in the wake of a massive slaughter of local Communists.

A raw colonial impulse is usually given as the source of Indonesia's intent to keep East Timor down. It may also matter that this archipelago of ethnically diverse islands is wary of setting a precedent for other separatist movements. But neither Indonesia's political pride nor its political convenience requires the 600,000 remaining East Timorese to forfeit their U.N.-endorsed right of self-determination. No doubt Indonesia can carry the international costs of holding on to East Timor, even if the Clinton administration adds to them. But why would a nation aspiring to modernisation and a major Pacific role want to burden itself so? President Suharto could leave himself a rich legacy by accepting the process for Timorese self-determination that the U.N. stands ready to arrange.

*This editorial was originally published in the Washington Post on 9 July and republished in the International Herald Tribune of 10-11 July, 1993 under the title 'Jakarta's Needless Burden'.*

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*NEW YORK TIMES*
1 November 1993

## Editorial

The plight of East Timor has nagged at American consciences since 1975, when Indonesia devoured this former Portuguese colony. The United States has never recognised Jakarta's annexation of its tiny neighbour, but until recently Washington was loath to offend a powerful authoritarian regime that was an important customer for U.S. arms.

Creditably, the Clinton Administration is making amends, spurred by an international outcry over the mass killings of unarmed East Timorese protesters in November 1991. Earlier this year, the U.S. for the first time joined in favouring a United Nations inquiry into Indonesia's human rights abuses. Now, with Administration support, the Senate Foreign Relations Committee has unanimously approved an amendment to condition the sale and transfer of U.S. arms to Indonesia on improvement in human rights conditions in East Timor.

The amendment, put forward by Senator Russell Feingold of Wisconsin, would require the President to weigh, in consultation with Congress, Indonesia's compliance with specific steps, like providing access by humanitarian groups to East Timor and accounting for the victims of the 1991 massacre. The need for access is underscored by credible reports of yet another crackdown in the territory.

Adopting these conditions would not affect non-military trade with Indonesia, but would address for the first time the continued abuse by an occupying nation of an unwilling people. It would begin to redress the inconsistency between Washington's vigorous punishment of Iraq's annexation of Kuwait and its past indifference to Indonesia's comparable aggression.

And if Jakarta fails to understand the changed American mood, President Clinton will have a chance to amplify it at the Asia Pacific Economic Conference in Seattle later this month.

# *APPENDIX 5*

c/o 39 Canterbury Rd.
Middle Park 3206
Phone 699 5143
6 October 1993

The Hon. Paul Keating MP
Prime Minister of Australia
Parliament House
Canberra ACT

Dear Mr. Keating

During your recent visit to the United States you advised Mr. Clinton to reduce pressure on Indonesia and China over human rights issues and to prioritise trade.

In relationship to Indonesia your words are likely to be taken, and have been taken in Jakarta, as supporting that country's invasion and annexation of East Timor. We write to indicate our grave concern about this.

You have publicly supported the Indonesian government in a matter which, we have been told, our government was working "privately and behind the scenes" to effect improvements.

You have highlighted that Australia is out of step with the rest of the world as the only major western power which has formally recognised the annexation.

Your statement will undermine attempts in the United States Congress to reduce the suffering and oppression of the people of East Timor.

By legitimising what has happened in East Timor — where a large and powerful country has invaded a very small one, suppressing its population and creating continuing trauma — we erode the possibility that past wrongs will ever be redressed.

We call upon you to propose

- that the people of East Timor, including the Resistance and the Bishop of East Timor, be represented in the U.N.-sponsored talks between Indonesia and Portugal
- that Xanana Gusmao and other East Timorese political prisoners be immediately released
- that Indonesian police and military forces be withdrawn from East Timor
- that the people of East Timor be given, through a referendum, the chance to determine the future administration of their country.

The matter is urgent because there has been intensified repression in East Timor since the Dili massacre. Until such time as these proposals are accepted, we ask that Australia follow the lead of the United States and suspend military aid to Indonesia.

Yours sincerely

Philip Adams, ABC Radio National GPO Box 9994 Sydney 2000 NSW
Martin Ferguson, President Australian Council of Trade Unions
Trish Caswell, Executive Director Australian Conservation Foundation
Max Gillies
The Right Revd MB Challen, 67 Brunswick St Fitzroy 3065.
Archbishop Peter Hollingworth, 39 Eldernell Ave Hamilton 4007
The Rev. James Murray, c/- The Australian Sydney 2000.
Bishop Hilton Deakin, 16 Parkside St Blackburn 3030.
Nanette Hassall, 9a Green St Prahran 3181.
Dr Geoffrey Borney, Australian National University, Elbery Cres Acton 2601, ACT
Caroline Jones.
Dr Martin Wesley-Smith, 22 Ryan St Lilyfield 2040.
John Spooner, 250 Spencer St Melbourne 3000.
Ron Tandberg, 44 Flinders St Melbourne 3000.
Bruce Petty, 6 Dick St Balmain 2041.
Roger Hodgman, 129 Ferrars St South Melbourne 3205.
Carillo Gantner, 113 Sturt St South Melbourne 3205.
Bob Debus, PO Box 1379 Darlinghurst 2010.
Sister Angela Ryan, 52 Beaconsfield Parade Albert Park 3206. Professor C Birch, 5a/73 Yarranabble Rd Darling Point 2027 NSW
Jim Dunn, 13 Percy Davis Drive Moruya 2537.
David Shinnick, GPO Box 1364 Adelaide 5001.
John Dowd QC, 5th floor 155 King St Sydney 2000.
Professor Hilary Charlesworth, University of Adelaide 5005.
Tom Kelly, 43 Glassop St Balmain 2041.

Sister Janet Mead,193 Sturt St Adelaide 5000.
Judy Henderson, 164 Waterworks Rd Dynnryne 7005.
Rev. Dick Wootton, 130 Little Collins Street Melbourne 3000.
John Wheeldon, 11 Wellesley Rd Pymble 2073.
Professor Garth Nettheim, PO Box 1 Kensington 2033.
Professor Peter Singer, Monash University, Clayton 3168. Heather Southcott, PO Box 17 Kingswood Mitcham 5062.
Judith Wright, PO Box 93 Braidwood 2622.
Tom Uren, 8 Gilchrist Place Balmain 2641.
Dr Keith Suter, GPO Box 4878 Sydney 2001.
Sister Veronica Brady, University of WA, Nedlands 6009.
Dr Joe Camilleri, 13 Mascoma St Strathmore 3031.
Louise Adler, 22 Salmon St Port Melbourne 3207.
Jill Reichstein, 165 Flinders Lane Melbourne 3000.
David Scott, Flat 2 23 Eildon Rd St Kilda 3182.
Pat Walsh, 124 Napier St Fitzroy 3065.
Louise Byrne, Flat 3 114 Wellington St St Kilda 3182.
James McCaughey, 39 Canterbury Rd Middle Park 3206.
Adelaide Diocesan Justice and Peace Commission.
Catholic East Timor Support Group of Adelaide.

## *APPENDIX 6* OUTCOME OF FOREIGN MINISTERS' MEETING OF 17 SEPTEMBER 1993

*Final section of 20/9/93 statement by U.N. Secretary-General Boutros Boutros-Ghali on the outcome of his 17 September 1993 meeting with the Foreign Minister of Indonesia, Ali Alatas and the Foreign Minister of Portugal, Durao Barroso.*

The Secretary-General met separately with each of the two Ministers and subsequently chaired a joint meeting.

As they agreed in Rome, the Ministers considered possible confidence-building measures as a means of fostering an atmosphere propitious to addressing the substance of the question, on which they reiterated their respective positions of principle. In this connection, the Secretary-General wishes to record the following points, which emerged during their meeting:

1. The Ministers concurred on the importance of the promotion of respect for human rights in all their indivisible aspects (civil, political, economic, social and cultural) and fundamental freedoms in East Timor.
2. They also concurred on the need to create a favourable and non-confrontational atmosphere in order to allow effective progress towards a comprehensive settlement of the question.
3. Both Ministers reaffirmed the importance of the implementation of the recommendations contained in the consensus statement of the Chairman of the Human Rights Commission of 4 March 1992, and the need for further facilitating access to East Timor inter alia by the United Nations and humanitarian and human rights organisations.

   In this context they noted with appreciation the second visit by the Personal Envoy of the Secretary-General in April.
4. The Secretary-General reiterated his intention to continue to follow closely the human rights situation in East Timor in the spirit of the aforementioned consensus statement.
5. Both Ministers noted the Secretary-General's intention to carry out contacts as he deems useful in his efforts to assist in the solution of the question.
6. Both Ministers agreed to continue to promote a balanced exchange of visits by journalists and personalities from their respective countries.
7. The Ministers identified a series of issues for discussion at the next round of talks.

# *APPENDIX 7* THE PEACE PROPOSAL OF THE NATIONAL COUNCIL OF MAUBERE RESISTANCE

*A statement by Jose Ramos Horta, Special Representative of the National Council of Maubere Resistance (CNRM) to the Human Rights Sub-Committee of the European Parliament.*

Brussels, 23 April 1993

The tragic event of 12 November 1991 marks, however, a turning point in the 16 year-old conflict. East Timor is now an international issue which touches the conscience of millions of people around the world. In Indonesia itself voices of moderation and reason are being heard. There is a realisation that the invasion and annexation of East Timor and the policies of the past 16 years were colossal mistakes. Foreign Minister Ali Alatas himself has publicly acknowledged that the East Timor problem is limiting Indonesia's capacity to intervene more constructively in world affairs, is costly, and a solution must be found.

Mistakes are inherent in the human condition. Indonesian leaders must have the vision and courage of great men who can accept mistakes and propose new directions for their country policies towards East Timor and, in fact, towards their own society in general.

On the other hand, East Timorese political leaders must also have the vision and courage to meet the Indonesians half-way and reassure them that the people of East Timor wish to find a "modus vivendi" with them and to begin a new chapter in the relationship.

In spite of the untold suffering inflicted upon us, we continue to extend an olive branch to those who see us as their enemy.

### Negotiations without pre-conditions under United Nations auspices

Xanana Gusmao, the Resistance Leader of East Timor, proposed and remains ready to enter into a process of dialogue with the Indonesian authorities, under the auspices of the United Nations, without pre-conditions, to explore all possible options towards a comprehensive settlement of the problem of East Timor.

The peace proposal put forward by Mr. Xanana Gusmao, the leader of the Resistance, reflects the stand of all sections of the East Timorese society inside East Timor and abroad, as well as the Catholic Church.

The Portuguese government has endorsed this peace proposal and handed it over to the U.N. Secretary-General in January.

Allow me, Mr. Chairman and honourable members of the European Parliament, to elaborate a bit on how I see the unfolding of a peace process. This would involve three phases.

## Phase One — one to two years

- **The Portuguese authorities and the Indonesians should commence talks at once, under the auspices of the U.N. Secretary-General. This does not necessitate East Timorese direct involvement.**

For the first stage, we are proposing a modified version of the "proximity talks" followed in the Afghanistan case where in the face of Pakistan's refusal to sit face-to-face with the Kabul government, the U.N. acted as a "go-between".

This should overcome Indonesia's present stance in refusing to talk directly to the East Timorese.

This phase of the talks must focus on achieving:

- An immediate end to all armed activities in East Timor;
- Immediate and unconditional release of all East Timorese political prisoners;
- Reduction of Indonesian military personnel in East Timor from its current estimated strength of 20,000–30,000 to 1,000 within a six-month period;
- The removal from East Timor of all heavy weapons, tanks, helicopters, combat aircraft, long range artillery pieces;
- Reduction by 50% of Indonesian civil servants in East Timor;
- Expanding the presence and activities of the International Red Cross (ICRC) into every district of East Timor and in strict observance of the Geneva Conventions;
- Access to the territory by U.N. Specialised Agencies such as UNICEF, UNDP, WHO, FAO, etc for the purposes of carrying out, within their respective fields of competence, a comprehensive program on:

- Restoration and protection of the environment
  - Voluntary resettlement of the tens of thousands of displaced Timorese in their ancestral lands;
  - Development projects in every district;
  - Proper care for women and children;
  - Immunisation campaign.
- A comprehensive census of the population to be undertaken by competent U.N. bodies, a precondition for all of the above projects to be carried out effectively;
- A Human Rights Commission to be set up in Dili, headed by the Bishop, and comprising a number of East Timorese of his choice and with the assistance of reputed Indonesian human rights organisations and the U.N. Human Rights Centre in Geneva. This Commission would report directly to the Indonesian Head of State, the Portuguese Government, with copies to the U.N. Secretary-General, the U.N. Human Rights Centre in Geneva which would circulate it to the U.N. Commission on Human Rights. These reports may be made available to other institutions and the public;
- Lifting of press censorship
- Freedom of political activities and assembly;
- Removal of restrictions on, and expansion of, the teaching of Portuguese and Portuguese schools;
- The U.N. Secretary-General appoints a resident Representative who is responsible for all U.N. activities in East Timor, including reporting on the implementation of the accords.

## Phase Two — five years

The first stage is indispensable for a gradual normalisation of the situation and for PHASE TWO to be effected.

At the end of Phase One,

- Portugal and Indonesia to normalise relations;
- Political parties are legalised;
- Portugal to be represented in East Timor by a legation of the European Community with a resident Portuguese official;
- A Portuguese Cultural Institute is set up with funding from the Gulbenkian Foundation, Fundacao Oriente and the EC;
- Elections to be held for a local Assembly. The election process and procedures must conform with universally-accepted democratic norms. The U.N. to provide technical support and supervision of the election;
- Only East Timorese identified as such may vote and be eligible;
- The democratically-elected Assembly elects a Governor of the Territory who has to be an East Timorese;
- The Assembly and Governor have a 5-year mandate;
- The Territory may enter in trade relations with foreign countries, promulgate all its laws affecting investment, land ownership, property etc.;
- Remaining Indonesian troops are withdrawn within 3 months. The Territory will have no army. A Territorial police force is organised by the U.N. and is placed under the command of the elected Governor;
- The Territory will have its own immigration laws;
- Further reduction of Indonesian civil servants.

## Phase Three — self-determination

Phase Two may be extended by mutual consent. A 2/3 vote of the Assembly in support of extension of Phase Two is needed before the proposal is put to a referendum.

If the popular referendum rejects extension of Phase Two, Phase Three commences.

If the Assembly fails to adopt a recommendation of the extension of Phase Two, it would continue to function for up to three years while negotiations with the Government in Indonesia take place.

If a referendum votes for extension of Phase Two, elections are held within three months for a new Assembly and Governor.

At the end of Phase Two or the second regime of Phase Two, whatever the case, Phase Three covers:

- Preparations for a referendum on self-determination followed by general elections for a Constituent Assembly being undertaken within a period of one year;
- Transfer of power to the elected government takes place;
- East Timorese political leaders form a Government of National Unity;

- East Timor is declared a Zone of Peace and of Neutrality to be guaranteed by the Permanent Members of the Security Council and ASEAN;
- East Timor joins ASEAN and South Pacific Forum;
- East Timor accedes to, and ratifies, all international human rights instruments.

These are some of the ideas to be explored further when Indonesian leaders decide to come to terms with the reality that their 16-year occupation of East Timor has been an utter failure. I am prepared to fly to Indonesia or anywhere, at any time, to meet with senior Indonesian officials to commence the dialogue.

It was with an open mind, optimism and hope that in June 1974 I travelled to Indonesia and met with Foreign Minister Adam Malik to discuss the future of East Timor. The same spirit inspires me today.

In a world where dialogue has for the most part replaced confrontation, the continuing use of force by Indonesia to resolve an issue which is eminently political must be rejected by the international community. The largest army in the world was not able to prevent the crumbling of the Berlin Wall and the end of the Soviet empire. Dictators all over the world have been overthrown or are being phased out. Has anyone forgotten the Shah of Iran, Somoza of Nicaragua, Duvalier of Haiti, Idi Amin of Uganda, Mengistu of Ethiopia, Stroessner of Paraguay, Pinochet of Chile, Marcos of the Philippines and Ceaucescu of Romania?

No matter the overwhelming force used against us, our will to be free will prevail. Our dream will never die. We will reach the mountain top.

Thank you Mr. Chairman.

# *APPENDIX 8* PROGRESS ON THE LIECHTENSTEIN INITIATIVE ON SELF-DETERMINATION

*Outcome of the Informal Meeting of Experts, pursuant to the 1991 UN General Assembly's Discussion of the Liechtenstein Proposal on Self-Determination.*
*The following is a Summary Report by the Chair.*

The informal Meeting of Experts was convened by the Government of Liechtenstein, and was held in Schaan, Liechtenstein, from 16 to 18 March 1993. The Government of Liechtenstein appointed Ambassador Claudia Fritsche (Permanent Representative of the Principality of Liechtenstein to the United Nations) and Sir Arthur Watts QC (Adviser to the Government of Liechtenstein) jointly to take the Chair for the Meeting.

The purpose of the Meeting was to assist the Government of Liechtenstein in further developing the ideas in the matter of self-determination advanced initially by His Serene Highness Prince Hans-Adam II, Head of State of the Principality of Liechtenstein, in his statement at the 46th session of the General Assembly in 1991, and further explained in subsequent statements by representatives of Liechtenstein. The meeting was attended by His Serene Highness and by 46 participants, nominated in their personal capacities by State Members of the United Nations and by States with Observer status, and by certain governmental and non-governmental organisations.

Included in the documents which participants had before them at the Meeting was a Memorandum summarising the main elements of the suggestions being put forward by Liechtenstein. A copy of that Memorandum is attached.

## General discussion

The meeting began with a general discussion of issues raised by the Liechtenstein initiative. Overall, it was widely welcomed by participants as a valuable contribution: problems having their roots in the frustrations of distinctive communities within States were recognised to be urgent and important. At the same time, it was recognised that the whole subject was of considerable sensitivity, and that some particular ideas gave rise to certain difficulties.

Several participants noted that 'self-determination' was a complex concept, based on broad notions of democracy and the rights and liberties of individuals.

It was also widely commented that 'self-determination had primarily developed in the struggle against colonialism, and the eventual attainment of independence in that context. But the concept had evolved, and its meaning in the modern world was more complex. A new generation of self-determination problems had arisen, and the international community had to re-think its approach. Self-determination now sometimes seemed to carry with it the danger of the fragmentation of States; this had to be avoided. The outcome of self-determination was not necessarily independence or border changes.

The Liechtenstein initiative was widely seen as looking towards new law and new structures, and as opening up new developments in application of the principle of self-determination. While still within the broad framework of that principle, and not necessarily excluding the attainment of independence, it was seen as being more related in practice to forms of development not going as far as independence or the break-up of States through secession or otherwise.

It was noted that the Liechtenstein initiative put the emphasis on the development of new structures within the State, and in particular on forms of territorial decentralisation or autonomy (i.e. 'internal' self-determination, as compared with 'external' self-determination, which manifested itself in notions of independence and sovereignty). Several participants accordingly suggested possible advantages in departing from the terminology of self-determination as the defining principle of the Liechtenstein initiative.

While some participants noted the possible danger that the Liechtenstein initiative could be used to limit further developments in self-determination and to defend the status quo, most saw it as without prejudice to that principle, as co-existing with it, and as indeed underpinning it rather than the reverse.

Several participants noted that the questions arose as to whether, once a State had attained independence through the exercise of the right of self-determination, groups within that State had a further right to self-determination for themselves — and then, perhaps, so on *ad infinitum*. Self-determination needed to be balanced against the need for new States to build their nationhood, and establish their internal stability. It was necessary to guard against the abuse of self-determination through the encouragement of separatism.

The Meeting then turned to a consideration of a number of particular issues.

## Concept of 'Community'

There was general support, in principle, for the introduction of a new concept such as 'a community' as the basic unit in terms of which rights of autonomy might be developed. It was helpful in underlining the departure from existing ideas in this field, and was appropriate for the autonomy-related focus of the Liechtenstein initiative rather than for the independence-related focus of existing provisions on self-determination.

The need for a 'community' to be essentially territorially based was generally accepted. But potential difficulties of definition were identified in a number of areas. These included: the relationship with the notion of nationality; the territorial identity of a 'community', and the problems of covering communities which were territorially scattered or fluid, or living in cross-frontier areas; the distinctive qualities which a 'community' should possess; their size; the need for flexibility in definition, to take account of the varying factors which give a community its particular identity; the economic factors which often determine the identity of a community; and the relationship between the definition of a community and the degree of autonomy it possesses.

The distinction between 'community' on the one hand, and 'minority' and 'indigenous people' on the other, was noted by many participants, as was the partial overlap between the various concepts.

Emphasis in the Liechtenstein initiative on the position of communities was seen by a number of participants as placing it in the context of *collective* human rights.

## General safeguards

Possible safeguards were seen by some participants as really involving the checks and balances which would be necessary to make a new system work effectively. They were the forms through which compromises could be sought. It was acknowledged that some checks and balances would be necessary.

It was noted that 'safeguards' depended on the point of view: a safeguard for the interests of the State was not necessarily a safeguard for the interests of a community within the State.

There were differing views on the need for some safeguard for the territorial integrity of States. Several participants attached importance to such reassurance for States, especially as in other similar contexts there was often such a safeguard to balance provisions tending towards the attainment of independence or accordingly, any threat to a State's territorial integrity, and that therefore, a safeguard on this point was inappropriate. Others saw emphasis on the protection of territorial integrity as a way of frustrating the right to self-determination through independence.

There was some reluctance to accept any prohibition on communities resorting to force in order to achieve their ends so long as States were still able to use force against communities, even in merely 'law and order' circumstances. Also, force by communities might be justified (e.g. by oppression by State authorities).

Several participants noted that democracy and the proper observance of human rights offered necessary safeguards (or perhaps pre-conditions) for the effective exercise of the right of self-determination.

Avoidance of foreign interference was suggested as a possible safeguard.

Some participants thought it best to avoid spelling out possible safeguards in detail: details would be best left to be worked out by the parties concerned, in the light of the 'genius of the people'.

## Automatic, initial level of autonomy; Optional, subsequent levels of autonomy

The automatic initial level of autonomy was conceived as comprising the basic rights needed to safeguard and enhance a community's existence, and protect its separate identity within the fabric of the State. The optional subsequent levels of autonomy allowed for progressive additions to the degree to which the community conducted its own affairs.

Autonomy — like sovereignty and independence — was widely acknowledged not to be an 'all or nothing' concept, but rather one allowing for a gradual evolution and variable structures. The flexibility of the Liechtenstein initiative in this respect was widely welcomed.

Autonomy was thought to be a valuable concept, offering a socio-political structure which could help in the search for higher levels of freedom for individuals. But some noted that autonomy could also be divisive, as compared with the development of multicultural States: all groups within such States were in many respects interdependent.

Many participants noted that emphases on autonomy helpfully avoided, or at least severely limited, problems which could arise with proposals emphasising the attainment of independence. Many communities would not want independence, but would be satisfied with something considerably less, so long as it allowed sufficient expression for a community's own identity. Autonomy could therefore be an adequate expression of self-determination, without necessarily undermining other forms of self-determination.

The relationship of autonomy and federalism was noted by some participants.

A number of participants thought that a linear approach to various stages of autonomy (with each stage, with the addition of extra elements, leading on to the next stage), could be too rigid: a more flexible, *a la carte*, approach might be better, allowing communities to suit their progress more exactly to their needs: the reality was likely to be a process of constant dialogue, leading to all kinds of development in many different directions.

### Other pertinent issues

Many participants referred to the need for mechanisms to support any new arrangements which might be introduced, in order to secure their effectiveness in practice.

It was noted, and widely welcomed, that the underlying purpose of the Liechtenstein initiative appeared to be to find ways of avoiding the conflicts which often arose through communities not being allowed adequate means of self-expression. In that context several participants thought that an 'early warning system' was needed, to identify situations in which such conflicts might erupt.

It was noted that civil wars within States were often more a matter of differences between political leaders than of conflicting aspirations of differing groups within States. The real causes of internal conflicts needed study.

Several participants noted that at present there were no adequate mechanisms to help with self-determination issues. Many saw value in establishing new fora, or a new procedural framework, for such issues, including dispute settlement problems which could arise in that context. Mechanisms for coordination were thought useful by some participants.

The establishment of some kind of international advisory centre was suggested, to which Governments and communities could turn for advice on possible options for governmental structures appropriate for the particular self-determination problems they faced.

Some participants warned against the establishment of new inter governmental institutions, without a very clear idea of what functions they would fulfil: there were already some existing institutions with functions in at least part of this field. Optional mechanisms or processes might offer a more useful way forward; as might the encouragement of private law bodies which could be active in this field.

New York,
20 September 1993